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Announcement**CFR SUPPLEMENTS**

(As of January 1, 1960)

The following Supplements are now available:

Title 7, Parts 1-50----- \$0.45

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Previously announced: Title 3 (\$0.60); Titles 4-5 (\$1.00); Title 7, Parts 51-52 (\$0.45); Parts 53-209 (\$0.40); Title 8 (\$0.40); Title 32, Parts 700-799 (\$1.00); Title 36, Revised (\$3.00); Title 46, Parts 146-149, Revised (\$6.00)

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Rules and Regulations

Title 6—AGRICULTURAL CREDIT

Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASE AND OTHER OPERATIONS

[C.C.C. Rice Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

Subpart—1960 Crop Rice Price Support Program

ACREAGE COMPLIANCE

Sec.

- 421.5326 Administration.
- 421.5327 Applicability of §§ 421.5326 to 421.5331.
- 421.5328 Definitions.
- 421.5329 Compliance requirements.
- 421.5330 Effect of unknowingly exceeding farm rice acreage allotment; method of determination.
- 421.5331 Application for review and request for reconsideration.

AUTHORITY: §§ 421.5326 to 421.5331 issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 374, 52 Stat. 65, as amended; sec. 5, 62 Stat. 1072; secs. 101, 401, 408, 63 Stat. 1051, as amended, 1054, as amended, 1055, as amended; sec. 125, 70 Stat. 198; 15 U.S.C. 714c; 7 U.S.C. 1421, 1428, 1374, 1813.

§ 421.5326 Administration.

The price support program for rice will be administered by the Commodity Stabilization Service, under the general direction and supervision of the Executive Vice President, Commodity Credit Corporation, and will be carried out in the field by the State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and County Committees). State and county committees do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements thereto.

§ 421.5327 Applicability of §§ 421.5326 to 421.5331.

Sections 421.5326 to 421.5331 state the eligibility requirements for producers of rice under the 1960 crop rice price support program with respect to compliance with rice acreage allotments, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.5328 Definitions.

As used in the regulations in this subpart and in all instructions, forms and documents in connection therewith, the words and phrases defined in this section shall have the meaning assigned to them herein unless the context or subject matter otherwise requires. The following words or phrases are defined in Part 719 of Title 7, Chapter VII, Recon-

stitution of Farms, Farm Allotments and Farm History and Soil Bank Base Acres (23 F.R. 6731), or are incorporated therein by reference to Part 718 of Title 7, Chapter VII, Determination of Acreage and Performance (22 F.R. 3747), as amended, and shall have the meaning assigned to them by such regulations: "State Committee," "State Administrative Officer," "County Committee," "Person," "Producer," "Operator," and "Farm."

(a) "Rice acreage allotment" means the 1960 rice acreage allotment established for the farm in accordance with Part 730 of Title 7, Chapter VII, Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice (7 CFR 730.1010 to 730.1035, 23 F.R. 8528), and any amendments thereto.

(b) "Rice acreage" means rice acreage as defined in Part 730 of Title 7, Chapter VII, Regulations for the Determination of Rice Acreage Allotments for the 1959 and Subsequent Crops of Rice (7 CFR 730.1010 to 730.1035, 23 F.R. 8528), and any amendments thereto.

(c) "Excess rice acreage" means the rice acreage determined for the farm which is in excess of the farm rice acreage allotment.

§ 421.5329 Compliance requirements.

A producer shall not be eligible for price support on rice produced in 1960 unless the 1960 rice acreage on the farm on which such rice is produced is not in excess of the rice acreage allotment: *Provided*, That if a producer has an interest in the 1960 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State or county committee has determined to apply the requirements of 7 CFR 730.967(c) (23 F.R. 2897), and any amendments thereto, to such multiple farm producer, he must be entitled to receive a marketing certificate for each such farm, wherever situated, in order to be eligible for price support on his 1960 crop of rice. Rice produced in violation of a restrictive lease on federally-owned land shall not be eligible for price support.

§ 421.5330 Effect of unknowingly exceeding farm rice acreage allotment; method of determination.

The rice acreage on a farm shall not be deemed to be in excess of the rice acreage allotment for the purpose of price support unless the operator knowingly exceeded such allotment. If the rice acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes to the satisfaction of the

county committee in accordance with paragraph (a), (b) or (c) of this section that he has not knowingly exceeded his allotment and the determination of the county committee is approved on review by the State administrative officer.

(a) *Erroneous notice of acreage allotment.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where through error in a county or State office the farm operator was officially notified in writing of a rice acreage allotment for the 1960 crop which was larger than the finally approved acreage allotment, and the farm operator or any producer on the farm acting solely on the information contained in the erroneous notice planted an acreage to rice in excess of the finally approved acreage allotment, and where the other conditions of this paragraph are satisfied. The determination of eligibility for price support for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for disposal of excess acreages provided in 7 CFR 730.955 (23 F.R. 2897), and any amendments thereto, the farm will not be considered to be overplanted. Before the farm operator or any producer on the farm can be said to have relied upon the erroneous notice, the circumstances must have been such that he had no cause to believe that the acreage allotment notice was in error. To determine this fact, the date of any corrected notice in relation to the time of planting, the size of the farm, the amount of rice customarily planted, and all other pertinent facts shall be taken into consideration.

(b) *Erroneous notice of measured acreage.* The rice acreage allotment for the farm will not be considered to be knowingly exceeded in any case where (1) the lack of compliance was caused by reliance in good faith by the farm operator on an erroneous notice of measured acreage issued in accordance with applicable regulations; (2) neither the farm operator nor any producer on the farm had actual knowledge of the error in time to adjust the excess acreage in accordance with applicable regulations; (3) the incorrect notice was the result of an error made by the performance reporter or by another employee of the county or State office in reporting, computing or recording the rice acreage for the farm; (4) neither the farm operator nor any producer on the farm was in any way responsible for the error; and (5) the extent of the error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

(c) *Failure to measure acreage or notify operator.* The rice acreage allotment for the farm will not be considered

to be knowingly exceeded in any case where through no fault of the farm operator or any producer on the farm the rice acreage was not measured or the farm operator was not notified of the measured acreage in time to dispose of the excess acreage prior to the final date for the disposition of excess acreage: *Provided*, That the excess acreage was relatively small and the farm operator establishes that because of the relative smallness of the excess and the unavailability to him of any recent measurements of the field acreages on the farm, he had no reason to believe the rice acreage was in excess of the farm acreage allotment. Nothing in this paragraph (c) shall affect any producer's liability for penalties on excess rice determined under the rice marketing quota regulations for 1958 and subsequent crop years (7 CFR 730.950 to 730.955; 23 F.R. 2897), and any amendments thereto.

§ 421.5331 Application for review and request for reconsideration.

Any producer who is dissatisfied with any determination with respect to compliance with his farm rice acreage allotment may, within 15 days after the date of mailing to him of Form MQ-24-1, "Notice of Farm Acreage Allotment and Marketing Quota," or Form MQ-93—Rice, "Notice of Farm Marketing Quota and Farm Marketing Excess of Rice," file a written application for review of such determination by a review committee: *Provided*, That such application for review is based on a determination which the producer has the right to have reviewed under 7 CFR 711.13 (21 F.R. 9365), and any amendments thereto. Unless application for review is made within such 15-day period, such determination shall be final.

Issued this 26th day of February 1960.

WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-1911; Filed, Mar. 1, 1960;
8:51 a.m.]

PART 443—OILSEEDS

Notice of Applicability of Provisions Contained in 1960 Agricultural Appropriation Act, Public Law 86-80 to Cottonseed

The provision in the Department of Agriculture and Farm Credit Administration Appropriation Act for the fiscal year 1960 (Pub. Law 86-80) placing a limitation on the amount of price support which may be extended by Commodity Credit Corporation to any person reads as follows:

Provided further, (1) That no part of this authorization shall be used to formulate or carry out a price support program for 1960 under which a total amount of price support in excess of \$50,000 would be extended through loans, purchases, or purchase agreements made or made available by Commodity Credit Corporation to any person on the 1960 production of any agricultural commodity declared by the Secretary to be in surplus supply, unless (a) such person shall reduce his production of such commodity

from that which such person produced the preceding year, in such percentage, not to exceed 20 per centum, as the Secretary may determine to be essential to bring production in line within a reasonable period of time with that necessary to provide an adequate supply to meet domestic and foreign demands, plus adequate reserves, or (b) such person shall agree to repay all amounts advanced in excess of \$50,000 for any agricultural commodity within twelve months from the date of the advance of such funds or at such later date as the Secretary may determine, (2) that the term "person" shall mean an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof, (3) that in the case of any loan to, or purchase from, a cooperative marketing organization, or with regard to price support on an agricultural commodity extended by purchases of a product of such commodity from, or by loans on such product to, persons other than the producers of such commodity, such limitation shall not apply to the amount of price support received by the cooperative marketing organization, or other persons, but the amount of price support made available to any person through such cooperative marketing organization or other persons shall be included in determining the amount of price support received by such person for purposes of such limitation, and (4) that the Secretary of Agriculture shall issue regulations prescribing such rules as he determines necessary to carry out this provision.

To implement the above provisions of the Act, notice is hereby given of the following:

1. Cottonseed have been declared to be in surplus supply for the purpose of Public Law 86-80 and the provisions of the Act are applicable to upland cottonseed and extra long staple cottonseed. The term "commodity" hereinafter used in this notice shall be deemed to apply to all cottonseed whether it be upland cottonseed or extra long staple cottonseed, or a combination of both.

2. Each producer shall be required to make a 20 percent reduction in the production of the commodity in 1960 below his 1959 production in order to be eligible for nonrecourse price support on the commodity in excess of \$50,000. The reduction in production shall be made on a cotton acreage basis and the acreage represented by such reduction shall not be put into production of the commodity by any other person. In the case of upland cottonseed, the requirement of a 20 percent reduction from the 1959 cotton acreage will apply regardless of whether the producer elected Choice (A) or Choice (B) in 1959 or whether he elects Choice (A) or Choice (B) in 1960.

3. Price support advances in excess of \$50,000 on the commodity for which the producer has not made the required reduction of production shall be made only through recourse price support loan advances. Producers affected by this provision shall be extended rights of repayment for twelve months after the final price support availability date for the commodity.

4. In case a person receives price support advances in excess of \$50,000 and such person is ineligible for unlimited nonrecourse price support, the amount due on a recourse basis shall be the amount advanced in excess of \$50,000 plus interest and charges on the amount

in excess of \$50,000. Charges shall include storage and other applicable charges paid or payable by CCC with respect to the loan collateral relating to the recourse advance. In the event any person does not repay the recourse advance when due, CCC shall have the right to sell the collateral securing the recourse advance. Further, if it is determined by CCC the commodity can no longer be held because of danger of loss, damage, or deterioration, or other reasons and the commodity is not redeemed, CCC may dispose of the commodity prior to the date when the recourse advance is to be repaid in such manner as it deems best to protect the interests of CCC and the person. Upon sale of the collateral, the net proceeds will be credited to such person's recourse indebtedness. Any amount by which the net proceeds exceed the recourse indebtedness for any person shall be paid to such person. Any unliquidated balance due CCC shall be collected by appropriate means.

5. The limitations on nonrecourse price support apply to the 1960 crop of the commodity.

6. Provisions implementing this notice, including provisions which will preclude arrangements entered into by producers in the production of cotton on farms in 1960 from having the effect of circumventing these provisions of law, are included in regulations issued by the Department of Agriculture on February 2, 1960, and will be included in other regulations to be issued by the Department of Agriculture at a later date.

(Secs. 1-6 issued under Pub. Law 86-80)

Issued this 25th day of February 1960.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 60-1912; Filed, Mar. 1, 1960;
8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 6]

PART 719—RECONSTITUTION OF FARMS, FARM ALLOTMENTS, AND FARM HISTORY AND SOIL BANK BASE ACREAGES

Miscellaneous Amendments

Basis and purpose. These amendments are issued pursuant to section 375 of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1375) and section 124 of the Soil Bank Act (7 U.S.C. 1812). The purposes of the amendments are (1) to correct the basis and purpose paragraph of amendment 5 to the regulations in this part appearing in 25 F.R. 1065 by citing the Soil Bank Act in the authority for the amendments and by including a waiver of the notice and public procedure requirements of the Administrative Procedure Act (5 U.S.C.

1003) and (2) to add the citation of authority at the end of such amendment.

Since these amendments are procedural in nature, it is hereby found that compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (5 U.S.C. 1003) are unnecessary and contrary to the public interest. Therefore, these amendments shall become effective upon publication in the *FEDERAL REGISTER*.

1. The basis and purpose paragraph of amendment 5 to the regulations in this part, published at 25 F.R. 1065, is amended to read as follows:

Basis and purpose. These amendments are issued pursuant to section 375 of the Agricultural Adjustment Act of 1938, as amended, (7 U.S.C. 1375), and section 124 of the Soil Bank Act (7 U.S.C. 1812) to amend the regulations governing the reconstitution of farms, farm allotments, and farm history and soil bank base acreages for the primary purpose of extending the applicability period of the contribution method of division of allotment and history acreages to six years from the year of combination and to provide for dividing allotment and history acreages for farms under one ownership and farms comprised of separately owned tracts by the same method. In addition, provision is made for notifying the farm operator whenever a reconstitution is effected and in several instances existing provisions have been revised for clarity. Since reconstitutions are made on a continuing basis, it is necessary that these amendments become effective as soon as possible. It is therefore determined that compliance with the provisions of the Administrative Procedure Act (5 U.S.C. 1003) with respect to notice, public procedure, and effective date is impracticable and contrary to the public interest and these amendments shall become effective upon publication in the *FEDERAL REGISTER* subject to the provisions of § 719.8 of this part.

2. Insert the following citation of authority prior to the issuance clause of amendment 5 to the regulations in this part:

(Sec. 375, 52 Stat. 66, as amended, sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812)

(Sec. 375, 52 Stat. 66, as amended, sec. 124, 70 Stat. 198; 7 U.S.C. 1375, 1812)

Done at Washington, D.C., this 24th day of February 1960.

ANDREW J. MAIR,
Acting Administrator,
Commodity Stabilization Service.

[F.R. Doc. 60-1883; Filed, Mar. 1, 1960;
8:48 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 834, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order

No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the *FEDERAL REGISTER* (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (i) and (ii) of § 953.941 (Lemon Reg. 834, 25 F.R. 1508) are hereby amended to read as follows:

(i) District 1: 11,160 cartons;

(ii) District 2: 213,900 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: February 25, 1960.

S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 60-1881; Filed, Mar. 1, 1960;
8:47 a.m.]

[Milk Order 87]

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

Order Amending Order

§ 987.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held

upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Mississippi marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum price specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) **Additional findings.** (1) It is necessary in the public interest to make this order amending the order effective not later than March 1, 1960.

(2) The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator of the Agricultural Marketing Service was issued February 8, 1960, and the decision of the Assistant Secretary containing all amendment provisions of this order issued February 24, 1960. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective March 1, 1960, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the *FEDERAL REGISTER*. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011.)

(c) **Determinations.** It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. The order is hereby amended as follows:

§ 987.51 [Amendment]

1. Amend § 987.51(a) to read as follows:

(a) *Class I milk price.* The minimum price per hundredweight shall be the basic formula price for the preceding month plus \$2.13.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Issued at Washington, D.C., this 29th day of February 1960 to be effective on and after the first day of March 1960.

CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 60-1948; Filed, Feb. 29, 1960; 2:50 p.m.]

Title 12—BANKS AND BANKING**Chapter II—Federal Reserve System****SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM**

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS**"Differential" or "Dealer Reserve" Accounts as Deposits Against Which Reserves Are Required**

§ 204.106 "Differential" or "dealer reserve" accounts as deposits against which reserves are required.

(a) The Board has recently received several inquiries as to whether certain differential or reserve accounts set up for instalment paper are deposits against which reserves are required. The Board has previously stated four conclusions for determining whether so-called "dealer reserve" or "differential" accounts are deposits against which reserves are required:

(1) If the purchase price of the paper is credited to the dealer's account, the resulting credit obviously is a deposit against which reserves must be maintained.

(2) The uncollected difference between the purchase price and the face amount of the paper is in practical effect a potential margin of security and does not constitute a deposit against which reserves must be maintained.

(3) Where, however, an instalment payment has been received and a portion of such payment (say 90 percent) has been credited against the purchase price and the remainder (say 10 percent) has not been credited against the purchase price, the 90 percent of the payment which has been applied against the purchase price does not constitute a deposit balance, but the remaining 10 percent of the payment does constitute a deposit unless and until it is paid over to the dealer or applied against his indebtedness.

(4) Whenever the payments received on any paper purchased aggregate an amount in excess of the purchase price plus interest or discount, any such excess which is not paid over to the dealer or credited against his indebtedness like-

wise constitutes a deposit against which reserves must be maintained.

(b) There apparently is doubt among some member banks as to the situations in which these various conclusions are applicable. In the interests of clarification, the Board wishes to point out and differentiate typical circumstances in which each of the above conclusions would be controlling.

(c) Conclusion No. 1 would be controlling in a situation where the borrower is credited with the full face amount or outstanding balance of the paper but a certain percentage thereof is designated as a reserve account and cannot be withdrawn by the dealer. In such a case the entire amount credited to the dealer's account, including the percentage of the purchase price withheld, constitutes a deposit against which reserves are required. The fact that no repayments on the paper have been received and held in the account is not material in determining whether the account is a deposit. The determining factor is that the reserve is created out of the proceeds of the full purchase price of the paper.

(d) By contrast, the differential account under Conclusion No. 2 is created from the uncollected difference between the purchase price of the paper and the face amount or outstanding balance thereof. In this case, the differential account would merely be a memorandum of this "uncollected difference" and constitute a potential margin of safety for the purchaser of the paper. Under these circumstances, the differential account would not constitute a deposit against which reserves are required.

(e) Conclusion No. 3 applies to those situations where collections are received in a differential account. Obviously, any portion of such collections which is credited against the purchase price does not constitute a deposit. However, any portion of such collections which is carried in the differential account and is not applied against the purchase price or otherwise paid over to the dealer, constitutes a deposit against which reserves are required. In some instances, the entire amount of the collections when received is held in the differential account for a period of time. Periodically, a portion of the collections is offset against the purchase price. Until the collections are either paid over to the customer or applied against his indebtedness, they constitute deposits against which reserves are required.

(f) Conclusion No. 4 also applies to those situations where collections are received on installment or similar paper. It is emphasized in this conclusion that all payments received on paper in excess of the purchase price plus interest, discount, and the like, which are not applied against the borrower's indebtedness or otherwise paid over to him, are deposits against which reserves are required. This would be true regardless of how this excess is held by the bank, whether in a differential account or otherwise.

(Sec. 11, 38 Stat. 261, as amended; 12 U.S.C. 248. Interprets or applies sec. 19, 38 Stat.

270, as amended; 12 U.S.C. 461, 462, 462b, 464, 465; Pub. Law 86-114, July 28, 1959)

Dated at Washington, D.C., this 19th day of February 1960.

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 60-1897; Filed, Mar. 1, 1960; 8:50 a.m.]

Title 14—AERONAUTICS AND SPACE**Chapter III—Federal Aviation Agency****SUBCHAPTER C—AIRCRAFT REGULATIONS**

[Reg. Docket No. 218; Amdt. 108]

PART 507—AIRWORTHINESS DIRECTIVES**Piper PA-22 Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the front seat belt in certain Piper PA-22 Series aircraft, superseding AD 57-17-2 (23 F.R. 438), was published in 25 F.R. 204.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby amended by adding the following new airworthiness directive:

PIPER. Applies to PA-22 "150" and PA-22 "160" aircraft Serial Numbers 22-3218, 22-3387, 22-3388 to 22-7049 inclusive, and 22-7054.

Compliance required by April 1, 1960.

Install safety belt extension, P/N 14920-2 or equivalent, on the front seat belt in order to eliminate deterioration due to heat from the rear seat heater outlet and chafing where the web attaches to the attaching lug.

(Piper Service Bulletin No. 184 covers this same subject.)

This supersedes AD 57-17-2 (23 F.R. 438).

(Sec. 313(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 25, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-1863; Filed, Mar. 1, 1960; 8:45 a.m.]

[Reg. Docket No. 225; Amdt. 109]

PART 507—AIRWORTHINESS DIRECTIVES**Fairchild F-27 Aircraft**

A proposal to amend Part 507 of the regulations of the Administrator to include an airworthiness directive requiring modification of the rudder torque tube assembly was published in 25 F.R. 220.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing § 507.10(a), (14 CFR Part 507), is hereby

amended by adding the following new airworthiness directive:

FAIRCHILD. Applies to Models F-27, F-27A, and F-27B, Serial Numbers 1 to 65 inclusive.

Compliance required by April 15, 1960. (As a result of investigation of loose rivets in the rudder torque tube assembly, the following shall be accomplished:

Replace all "Olympic" rivets with "Huck" lockbolts, P/N BL-8-3, in rudder torque tube assembly, P/N 727413-1, where the ends, P/N 27-727414-3 and 27-727415-3, are secured to the tube, P/N 27-727424-3.

(Fairchild Service Bulletin No. 27-15, revised September 8, 1959, covers this subject.)

(Sec. 813(a), 601, 603; 72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Washington, D.C., on February 25, 1960.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 60-1864; Filed, Mar. 1, 1960; 8:45 a.m.]

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 59-WA-125; Amdt. 203]

PART 600—DESIGNATION OF FEDERAL AIRWAYS Modification

On August 29, 1959, a notice of proposed rule-making was published in the *FEDERAL REGISTER* (24 F.R. 7042) stating that the Federal Aviation Agency proposed to amend § 600.6016 of the regulations of the Administrator by modifying the north alternate of VOR Federal airway No. 16 between Knoxville, Tenn., and Pulaski, Va., via a VOR to be installed near Blackford, Va.

As stated in the notice, Victor 16 presently extends from Los Angeles, Calif., to Boston, Mass. The distance between the Knoxville VOR and Pulaski VOR on the north alternate segment of this airway is approximately 149 miles. The Federal Aviation Agency is realigning this north alternate segment of Victor 16 via a VOR in the vicinity of Blackford at latitude 36°49'31" N., longitude 82°04'45" W. (corrected coordinates) to be commissioned approximately March 10, 1960, to provide more precise navigational guidance. The Notice, described the realignment of Victor 16 N as direct between the Knoxville VOR and the Pulaski VOR via the Blackford VOR. However, this direct alignment would provide less than 15° divergence between Victor 16 and Victor 16 N east of Knoxville. Therefore, Victor 16 N will be designated via the Knoxville VOR 050° T and the Blackford VOR 246° T radials to the Blackford VOR, thence direct to the Pulaski VOR.

No adverse comments were received regarding the proposed amendment.

Interested persons have been afforded an opportunity to participate in the making of the rule herein adopted, and due consideration has been given to all relevant matter received.

In consideration of the foregoing, and pursuant to the authority delegated to

me by the Administrator (24 F.R. 4530), § 600.6016 (24 F.R. 10507; 25 F.R. 171) is amended as follows:

In the text of § 600.6016 *VOR Federal airway No. 16* (Los Angeles, Calif., to Boston, Mass.), delete "including a north alternate via the INT of the Knoxville VOR 054° and the Pulaski VOR 260° radials;" and substitute therefor "including a north alternate from the Knoxville VOR to the Pulaski VOR via the INT of the Knoxville VOR 050° T with the Blackford, Va., VOR 246° T radials and the Blackford VOR;"

This amendment shall become effective 0001 e.s.t. May 5, 1960.

(Secs. 307(a), 313(a), 72 Stat. 749, 752; 49 U.S.C. 1348, 1354)

Issued in Washington, D.C., on February 24, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-1866; Filed, Mar. 1, 1960; 8:45 a.m.]

[Airspace Docket No. 60-WA-39]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF THE CONTINENTAL CONTROL AREA, CONTROL AREAS, CONTROL ZONES, REPORTING POINTS, AND POSITIVE CONTROL ROUTE SEGMENTS

Correction

On December 23, 1959, there was published in the *FEDERAL REGISTER* a revision of Parts 600 and 601 of the regulations of the Administrator (24 F.R. 10487, 10530) which was adopted for the purpose of combining into a single document all of the amendments thereto which had been previously published in the *FEDERAL REGISTER* and which were effective prior to December 31, 1959.

The citations of authority for these parts (pages 10492, 10543) are now in error in that such citations refer to the provisions of the Civil Aeronautics Act of 1938 under which the parts were originally adopted.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (24 F.R. 4530), such errors are hereby corrected to read as follows:

1. AUTHORITY: §§ 600.1 to 600.6635 issued under sections 307 and 313, 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.

2. AUTHORITY: §§ 601.1 to 601.8001 issued under sections 307 and 313, 72 Stat. 749, 752; 49 U.S.C. 1348, 1354.

Issued in Washington, D.C. on February 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-1865; Filed, Mar. 1, 1960; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7538]

PART 13—PROHIBITED TRADE PRACTICES

Cavalier Reserve Fund et al.

Subpart—Acquiring confidential information unfairly: § 13.1 *Acquiring confidential information unfairly.* Subpart—Furnishing means and instrumentalities of misrepresentation or deception: § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1490 *Nature.* Subpart—Using misleading name—Vendor: § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 722; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Albert Pitler trading as Cavalier Reserve Fund, etc., Norfolk, Va., Docket 7538, January 30, 1960]

In the Matter of Albert Pitler, an Individual, Trading and Doing Business as Cavalier Reserve Fund and Liberty Reserve Fund

This proceeding was heard by a hearing examiner on the complaint of the Commission charging an individual in Norfolk, Va., with use of a printed collection form he sold to merchants and others which sought to obtain information by subterfuge including use of misleading trade names and false representations that a sum of money was being held for alleged debtors pending receipt of their current addresses.

After the hearing, the hearing examiner made his initial decision including findings, conclusions, and order to cease and desist which became on January 30 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondent, Albert Pitler, an individual, trading and doing business as Cavalier Reserve Fund and Liberty Reserve Fund, or trading and doing business under any other name or names, and respondent's representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms or other materials, for use in obtaining information concerning delinquent debtors, or in the collection of, or attempting to collect accounts, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names "Cavalier Reserve Fund" and "Liberty Reserve Fund," or any other name of similar import to designate, describe or refer to respondent's business; or otherwise repre-

sending, directly or by implication, that money has been deposited with them for persons from whom information is requested, unless or until the money has in fact been so deposited, and then only when the amount so deposited is clearly and expressly stated.

2. Using, or placing in the hands of others for use, any forms, questionnaires, or other materials, printed or written, which do not clearly reveal that the purpose for which the information is requested is that of obtaining information concerning delinquent debtors.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: January 29, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-1870; Filed, Mar. 1, 1960;
8:46 a.m.]

[Docket 7534]

PART 13—PROHIBITED TRADE PRACTICES

Discount Fair, Inc., et al.

Subpart—Advertising falsely and misleadingly: § 13.155 *Prices*: 13.155-40 Exaggerated as regular and customary. Subpart—Misrepresenting oneself and goods—Prices: § 13.1805 *Exaggerated as regular and customary*.

(Sec. 6, 38 Stat. 722, 15 U.S.C. 46. Interpret or apply Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Discount Fair, Inc., et al., Washington, D.C., Docket 7534, January 30, 1960]

In the Matter of Discount Fair, Inc., a Corporation, and Joseph George Goldberg, Dorothy Goldberg and George Feldman, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging sellers in Washington, D.C., with representing falsely—in newspaper advertisements and otherwise—that excessive fictitious prices were the customary retail prices at which they sold portable television sets and refrigerators, and that purchasers would realize a saving of the difference between the said higher and lower prices.

No answer to the complaint having been filed and no appearance made, the hearing examiner found respondent in default. He thereupon made his initial decision, including findings, conclusion, and order to cease and desist, which became on January 30, with slight modification, the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents, Discount Fair, Inc., a corporation, and its

officers, and Joseph George Goldberg, and Dorothy Goldberg, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That a certain price is respondents' usual and customary price of merchandise when it is in excess of the price at which such merchandise is usually and customarily sold by respondents in the recent, regular course of their business.

(b) That any saving is afforded by the purchase of merchandise unless the price constitutes a reduction from the price at which said merchandise is usually and customarily sold by respondents in the recent, regular course of their business.

2. Misrepresenting in any manner the amount of savings available to purchasers of respondents' merchandise, or the amounts by which the prices of said merchandise are reduced from the prices at which said merchandise is usually and customarily sold by respondents in the recent, regular course of their business.

It is further ordered, That the complaint herein be dismissed as to respondent George Feldman, individually and as an officer of Discount Fair, Inc.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Discount Fair, Inc., a corporation, and Joseph George Goldberg and Dorothy Goldberg, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision as modified.

Issued: January 29, 1960.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 60-1871; Filed, Mar. 1, 1960;
8:46 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55059; TC 515.122]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Free Entry Documents; Time for Filing

The admission of certain types of merchandise free of duty is conditioned by regulation upon the presentation of certain documents "in connection with the

entry." To specify the conditions for the filing of free entry documents after the filing of the entry or after the expiration of the period of a bond given for the production of such documents, Part 10 is amended to add the following new center head and section:

LATE FILING OF FREE ENTRY DOCUMENTS

§ 10.112 Filing free entry documents after entry.

Whenever a document, form, or statement required by regulations in this part to be filed in connection with the entry is not filed at the time of the entry or within the period for which a bond was filed for its production but failure to file it was not due to willful negligence or fraudulent intent, such document, form, or statement may be filed at any time prior to liquidation of the entry or, if the entry was liquidated, before the liquidation becomes final.

(R.S. 251, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

The purpose of this regulation is to relieve certain existing restrictions to the filing of free entry documents. It is to the benefit of the public that the regulation be made effective at the earliest possible date. Accordingly, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found that notice and public procedure with respect to this regulation is impracticable, unnecessary, and contrary to the public interest and good cause is found for making the regulation effective upon publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 25, 1960.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 60-1893; Filed, Mar. 1, 1960;
8:49 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER E—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

PART 281—ENFORCEMENT OF THE TEA IMPORTATION ACT

Tea Standards 1960-1961

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42, 50), and delegated to the Commissioner of Food and Drugs by the Secretary (22 F.R. 1045), the regulations for the enforcement of this act (21 CFR 281.19 (24 F.R. 1861)) are amended by changing § 281.19(a) to read as follows:

§ 281.19 Tea standards.

(a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts

on February 10, 1960, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1960, and ending April 30, 1961:

- (1) Formosa Oolong.
- (2) Java Black (all black tea except Formosa and Japan Black and Congou type).
- (3) Formosa Black (Formosa Black and Congou type).
- (4) Japan Black.
- (5) Japan Green.
- (6) Canton type (all Canton type teas including scented Canton and Canton Oolong types).

These standards apply to tea shipped from abroad on or after May 1, 1960. Tea shipped prior to May 1, 1960, will be governed by the standards which became effective May 1, 1959 (24 F.R. 1861).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

Effective date. This order shall become effective May 1, 1960.

(Sec. 10, 29 Stat. 607; 21 U.S.C. 50. Applies sec. 2, 41 Stat. 712, 57 Stat. 500; 21 U.S.C. 42)

Dated: February 24, 1960.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 60-1892; Filed, Mar. 1, 1960; 8:49 a.m.]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Dept. Reg. 108.425]

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

REVISION OF SUBCHAPTER

Subchapter M of the regulations of the Secretary of State issued August 26, 1955, as amended, is hereby rescinded in its entirety and is replaced by the following parts:

PART 121—ARMS, AMMUNITIONS, AND IMPLEMENTS OF WAR

ENUMERATION OF ARTICLES

Sec.
121.01 The United States Munitions List.

DEFINITIONS AND INTERPRETATIONS

- 121.02 Substantial transformation.
- 121.03 Firearms.
- 121.04 Cartridge and shell casings.
- 121.05 Military demolition blocks and blasting caps.
- 121.06 Apparatus and devices under Category IV (b).
- 121.07 Amphibious vehicles.
- 121.08 Chemical agents.
- 121.09 Propellants.
- 121.10 Military high explosives.
- 121.11 Military fuel thickeners.
- 121.12 Vessels of war and special naval equipment.
- 121.13 Aircraft and related articles.

No. 42—2

- Sec.
121.14 Helium gas.
- 121.15 Forgings, castings, and machined bodies.

AUTHORITY: §§ 121.01–121.15, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

ENUMERATION OF ARTICLES

§ 121.01 The United States munitions list.

Pursuant to the authority cited supra the following articles¹ are hereby designated as arms, ammunition and implements of war.

Category I—Firearms

- (a) Non-automatic and semi-automatic firearms, calibers .22 to .50 inclusive, except those using only caliber .22 rim-fire ammunition. Barrels, cylinders and complete breech mechanisms therefor (See §§ 121.03, 123.03 and 123.51).
- (b) Automatic firearms and all components and parts therefor, calibers .22 to .50 inclusive (See §§ 121.03 and 123.03).
- (c) Firearms silencers.

Category II—Artillery and Projectors

- (a) Guns over caliber .50, howitzers, mortars, and recoilless rifles.
- (b) Military flame throwers and projectors.
- (c) Components and parts including, but not limited to mounts and carriages for the articles in paragraphs (a) and (b) of this Category.

Category III—Ammunition

- (a) Ammunition for the arms in Categories I and II of this Section except caliber .22 rim-fire ammunition (See § 123.03).
- (b) The following components, parts, accessories, and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuzes and components therefor, primers, and other detonating devices for such ammunition (see exemption in § 121.04).
- (c) Ammunition belting and linking machines.

Category IV—Bombs, Guided Missiles, Rockets, Torpedoes, and Mines

- (a) Bombs, grenades, rockets, guided missiles, torpedoes, depth charges, land and naval mines, and military demolition blocks and blasting caps (See § 121.05).
- (b) Apparatus and devices for the handling, control, activation, detection, discharge or detonation of the articles in paragraph (a) of this Category (See § 121.06).
- (c) Missile powerplants.
- (d) Military explosives, excavating devices.
- (e) All specifically designed components, parts, and associated equipment for the articles in this Category.

Category V—Propellants, Explosives, and Incendiary Agents

- (a) Propellants for the articles in Categories III and IV of this Section (See § 121.09).
- (b) Military high explosives (See § 121.10).
- (c) Military fuel thickeners (See § 121.11).
- (d) Military pyrotechnics.

Category VI—Vessels of War and Special Naval Equipment

- (a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, float-

¹ The term "article" shall mean any of the arms, ammunition and implements of war enumerated in the United States Munitions List.

ing dry docks, and experimental types of naval ships (See § 121.12).

(b) Turrets and gun mounts, missile systems, arresting gear, special weapons systems, protective systems, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battleships, command ships, guided missile ships, cruisers, aircraft carriers, destroyers, frigates, escorts, mine-sweepers, and submarines.

(c) Submarine and torpedo nets, and mine sweeping equipment. Components, parts, attachments and accessories specifically designed therefor.

(d) Harbor entrance magnetic, pressure, and acoustic detection devices, controls and components thereof.

Category VII—Tanks and Ordnance Vehicles

- (a) Military type armed or armored vehicles, military railway trains, and vehicles fitted with mountings for arms.
- (b) Military tanks, tank recovery vehicles, half-tracks, and gun carriers.
- (c) Military trucks, trailers, hoists, and skids specifically designed for carrying and handling the articles in paragraph (a) of Categories III and IV; military mobile repair shops specifically designed to service military equipment.
- (d) Amphibious vehicles (See § 121.07).
- (e) All specifically designed components, accessories and attachments, including military bridging for the articles in this Category.

Category VIII—Aircraft and Associated Equipment

- (a) Aircraft designed, modified or equipped for military purposes, including but not limited to the following: gunnery, bombing, rocket, or missile launching, electronic surveillance, refueling, aerial mapping, military liaison, cargo carrying or dropping, personnel dropping, military trainers, experimental aircraft, drones, lighter-than-air aircraft, and military helicopters (See § 121.13, paragraph (b) for exceptions).
- (b) Military aircraft engines, other than reciprocating, specifically designed for the aircraft in paragraph (a) of this Category.
- (c) Airborne equipment, including but not limited to JATO and airborne refueling equipment, specifically designed for use with the aircraft and engines of the types in paragraphs (a) and (b) of this Category.
- (d) Aircraft launching equipment.
- (e) Non-expensive balloons in excess of 3,000 cubic feet capacity.
- (f) Components, parts, and associated equipment except propellers specifically designed for the articles in paragraphs (a) through (e) of this Category.
- (g) Parachutes and complete canopies, harnesses and platforms, and electronic release mechanisms therefor.

Category IX—Military Training Equipment

- (a) Military training equipment includes but is not limited to attack trainers, radar target trainers, radar target generators, gunnery training devices, anti-submarine warfare trainers, target equipment, armament trainers, pilotless aircraft trainers, mobile training units; and military type link trainers, operational flight trainers, flight simulators, radar trainers, instrument flight trainers, and navigation trainers.
- (b) Components, parts, attachments and accessories specifically designed for the articles in paragraph (a) of this Category.

Category X—Protective Personnel Equipment

- (a) Body armor, flak suits, and components and parts specifically designed therefor and military helmets.
- (b) Partial pressure suits, pressurized breathing equipment, anti-"G" suits, protective clothing for handling guided missile fuel, military crash helmets, liquid

oxygen converters used for aircraft and missiles, catapults and cartridge actuated devices utilized in emergency escape of personnel from aircraft.

Category XI—Military Electronics

(a) Electronic equipment bearing a military designation including radar, jamming, countermeasure, counter countermeasure, underwater sound, doppler and communications-electronic equipment.

(b) Components, parts, accessories and attachments specifically designed for use with the articles in (a) of this Category.

Category XII—Fire Control Equipment and Range Finders

(a) Fire control, gun and missile tracking and guidance systems infra-red and other night sighting equipment; range, position and height finders and spotting instruments, aiming devices (electronic, gyroscopic, optic, and acoustic), bomb sights, bombing computers, military television sighting units, inertial platforms, and periscopes for the articles of this section.

(b) Inertial guidance systems, astro compasses, and star trackers.

(c) Components, parts, accessories, attachments, and associated equipment specifically designed for the articles in paragraph (a) of this Category.

Category XIII—Auxiliary Military Equipment

(a) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting, and photogrammetry equipment.

(b) Cryptographic devices (encoding and decoding), and specifically designed components therefor.

(c) Self-contained diving and underwater swimming apparatus and components and accessories specifically designed therefor (See § 123.63 for exemptions).

(d) Armor plate.

(e) Concealment and deception equipment, including but not limited to special paints, decoys and simulators; components, parts and accessories specifically designed therefor.

Category XIV—Toxicological Agents

(a) Chemical agents, including lung irritants, vesicants, lacrimators and tear gases, sternutators and irritant smokes, and nerve gases (See § 121.08).

(b) Biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(c) Equipment for the dissemination, detection and identification of, and defense against the articles in paragraphs (a) and (b) of this Category.

(d) Components, parts, attachments and accessories specifically designed for the articles in paragraph (c) of this Category.

Category XV—Helium Gas

Contained Helium and admixtures thereof (See § 121.14).

Category XVI—Classified Material

All material not enumerated herein which is classified from the standpoint of military security.

Category XVII—Technical Data

Technical data relating to the articles designated in this subchapter as arms, ammunition, and implements of war.

DEFINITIONS AND INTERPRETATIONS

§ 121.02 Substantial transformation.

As used in § 123.03(d) the term "substantially transformed" shall refer to the realteration of firearms abroad to accomplish the following changes:

(a) As applied to rifles and carbines, the changes must have included at least either (1) re-chambering for a lower or higher caliber cartridge or (2) installation of a new action.

(b) As applied to pistols and revolvers, the changes must have included at least either (1) re-chambering or (2) modification of the cylinders for the accommodation of a lower or higher caliber cartridge.

(c) Other changes, such as rebarreling, modification of stocks or grips, rebluing, or replacing of sights, singly or together, are not sufficient to so substantially transform the weapons as to become, in effect, articles of foreign manufacture.

§ 121.03 Firearms.

Rifles, carbines, revolvers and pistols, calibers .22 to .50 inclusive, except those using only caliber .22 rimfire ammunition, are included under Category I(a). Machine guns, submachine guns, machine pistols and fully automatic rifles caliber .22 to .50 inclusive are included under Category I(b).

(a) As used in this subchapter the term "firearm" denotes a weapon not over .50 caliber discharging bullets by an explosive force.

(b) A *rifle* is a shoulder firearm discharging bullets through a barrel with a rifled bore at least sixteen inches in length.

(c) A *carbine* is a light weight shoulder firearm with a short barrel, under eighteen inches in length.

(d) A *pistol* is a hand-operated firearm designed for clip loading.

(e) A *revolver* is a hand-operated firearm with a revolving cylinder containing chambers for individual cartridges.

(f) A *machine gun* or *machine pistol* is a firearm capable of being fired automatically by a single pull of the trigger.

(g) A *breech mechanism* or action is that portion of the weapon in which the firing action takes place.

§ 121.04 Cartridge and shell casings.

Cartridge and shell casings which have been sold by the armed services as scrap, or which have been rendered useless by excessive heating or flame treatment, mangling, crushing or cutting or reduced to scrap by any other method are not subject to the export and import licensing authority of the Department of State.

§ 121.05 Military demolition blocks and blasting caps.

The term "military demolition blocks and blasting caps" does not include the following articles:

- (1) Electric squib,
- (2) No. 6 and No. 8 blasting caps, including electric,
- (3) Delay electric blasting caps (including Nos. 6 and 8 millisecond),
- (4) Seismograph electric blasting caps (including SSS, Static-Master, Vibrocap SR, and SEISMO SR").

§ 121.06 Apparatus and devices under category IV(b).

Category IV(b) includes inter alia the following: Fuses and components thereof, bomb racks and shackles, bomb

shackle release units, bomb ejectors, torpedo tubes, torpedo and guided missile boosters, launching racks, and projectors, pistols (exploders), igniters, fuse arming devices, and the following items related thereto, intervalometers and components therefor, guided missile launchers and specialized handling equipment.

§ 121.07 Amphibious vehicles.

As used in Category VII(d), the term "amphibious vehicles" includes but is not limited to automotive vehicles or chassis embodying all-wheel drive and equipped to meet special military requirements, with adaptation features for deep-water fording and sealed electrical systems.

§ 121.08 Chemical agents.

(See Category XV(a).)

A chemical agent is a substance useful in war which, by its ordinary and direct chemical action, produces a powerful physiological effect. The term "chemical agents" includes but is not limited to the following chemical compounds:

1. Lung Irritants:
 - (a) Carbonyl chloride (Phosgene, CG).
 - (b) Chlorine (CL).
 - (c) Cyanogen chloride (CK).
 - (d) Diphenylcyanoarsine (DC).
 - (e) Diphosgene (DP).
 - (f) Fluorine (but not fluorene).
 - (g) Trichloronitro methane (Chlorpicrin, PS).
2. Vesicants:
 - (a) B chlorvinylchlorarsine (Lewisite, L).
 - (b) Bisdichlorethyl sulphide (Mustard gas, HD or H).
 - (c) Ethyldichlorarsine (ED).
 - (d) Methyldichlorarsine (MD).
3. Lacrimators and Tear gases:
 - (a) Brombenzylcyanide (BBC).
 - (b) Chloroacetophenone (CE).
 - (c) Dibromodimethyl ether,
 - (d) Dichlorodimethyl ether (CICl),
 - (e) Ethyldibromoarsine,
 - (f) Phenylcarbylamine chloride,
 - (g) Tear gas solutions (CNB and CNS).
4. Sternutators and irritant smokes:
 - (a) Diphenylaminechlorarsine (Adamsite, DM).
 - (b) Diphenylchlorarsine (BA).
5. Nerve gases. These are toxic compounds which affect the nervous system, such as:
 - (a) Dimethylaminoethoxycyanophosphine oxide (GA).
 - (b) Methylisopropoxyfluorophosphine oxide (GB).
 - (c) Methylpinacoloxylfluorophosphine oxide (GD).

§ 121.09 Propellants.

The term "propellants" includes but is not limited to the following:

- Propellant powders including smokeless shotgun powder,
- Hydrazine,
- Unsymmetrical dimethylhydrazine,
- Hydrogen peroxide over 85 percent concentration,
- Nitroguanadine or picrite,
- Nitrocellulose with nitrogen content of over 12.20 percent.
- Other solid propellant compositions, including but not limited to the following:
- (1) Single base (nitrocellulose),
 - (2) Double base (nitrocellulose, nitroglycerin),
 - (3) Triple base (nitrocellulose, nitroglycerin, nitroguanadine),
 - (4) Composite (nitroglycerin, ammonium perchlorate, nitrocellulose with plastics or rubbers added),

(5) Special purpose chemical base high energy solid military fuels.

Other liquid propellant compositions, including but not limited to the following:

(1) Mono-propellants (hydrazine, nitrate, and water),

(2) Bi-propellants (hydrazine, fuming nitric acid (MNO₃)),

(3) Special purpose chemical base high energy liquid military fuels.

§ 121.10 Military high explosives.

The term "military high explosives" includes but is not limited to the following:

- (a) Ammonium picrate,
- (b) Black soda powder,
- (c) Cyclotetramethylene-tetranitramine (HMX),
- (d) Cyclotrimethylene-trinitramine (RDX, Cyclonite, Hexogen or T4),
- (e) Dinitronaphthalene,
- (f) Ethylenedinitramine,
- (g) Hexanitrodiphenylamine,
- (h) Nitroglycerin,
- (i) Nitrostarch,
- (j) Pentaerythritol tetranitrate (penthrate, pentrite or PETN),
- (k) Potassium nitrate powder,
- (l) Tetranitronaphthalene,
- (m) Trinitroanisole,
- (n) Trinitronaphthalene,
- (o) Trinitrophenol (Picric acid),
- (p) Trinitrophenylmethyl-nitramine (Tetryl),
- (q) Trinitrotoluene (TNT),
- (r) Trinitroxyline,
- (s) Ammonium perchlorate nitrocellulose (military grade),

§ 121.11 Military fuel thickeners.

The term "military fuel thickeners" includes: compounds (e.g., octal) or mixtures of such compounds (e.g., napalm) specifically formulated for the purpose of producing materials which, when added to petroleum products, provide a jelly-type incendiary material for use in bombs, projectiles, flame throwers or other implements of war.

§ 121.12 Vessels of war and special naval equipment.

(See Category VI.)

The term "vessels of war" includes but is not limited to the following:

- (a) *Combatant*—
 - (1) *Warships*:
 - Aircraft Carriers (CVA, CVE, CVHE, CVL, CVS),
 - Battleships (BB, BBG),
 - Command Ships (CBC, CLC),
 - Cruisers (CA, CAG, CB, CG, CL, CLAA, CLG),
 - Destroyers (DD, DDC, DDE, DDG, DDE, DL, DLG),
 - Submarines (SS, SS(N), SSB, SSG, SSK, SSR),
 - (2) *Amphibious Warfare Vessels*:
 - Amphibious Assault Ship (LPH),
 - Amphibious Force Flagship (AGC),
 - Assault Helicopter Aircraft Carrier (CVHA),
 - Attack Cargo Ship (AKA),
 - Control Escort Vessel (DEC),
 - Cargo Submarine (AK(SS)),
 - Inshore Fire Support Ship (IFS),
 - Landing Ships (LSD, LSFF, LSIL, LSM, LSMR, LSSL, LST),
 - Transport Submarine (AP(SS)),
 - Transports (APA, APD),
 - (3) *Landing Craft* (LCC, LCM, LCP, LOR, LOS, LCU, LCV, LCVP),
 - (4) *Landing Vehicle, Tracked* (LVT),
 - (5) *Mine Warfare Vessels*:
 - Mine Hunter, Coastal (MHC),
 - Mine Countermeasures Support Ship (MCS),

Minelayers (DM, MMA, MMC, MMF), Minesweepers (DMS, MSC, MSC(O), MSF, MSO, MES),

(6) *Patrol Vessels*:

Escort Vessels (DE, DER, PCS, PCER, PF), Gunboats (PCM, PR),

Submarine Chasers (PC, PCS, SC),

Yacht (PY).

(b) *Auxiliary Vessels and Service Craft*:

(1) Advanced Aviation Base Ship (AVB),

(2) Auxiliary Submarine (AG(SS)),

(3) Cable Repairing or Laying Ship (ARC),

(4) Degaussing Vessel (ABG),

(5) Distilling Ship (AW),

(6) Drone Aircraft Catapult Control Craft (YV),

(7) Floating Dry Docks, Cranes, and Associated Workshops and Lighters (AFDB, AFDL, AFDM, ARD, YD, YFD, YFMD, YR, YRDH, YRDM, YHL, YSD),

(8) Floating Pile Driver (YPD),

(9) Guided Missile Ship (AVM),

(10) Harbor Utility Craft (YFU),

(11) Icebreaker (AGB),

(12) Logistic Support Ships (AE, AF, AK, AKS, AO, ACE, AOG, AOR, AO(SS), AVS),

(13) Minecraft (MSA, MEB, NSI, YMP, YMS),

(14) Miscellaneous Auxiliary (AG, IX, YAG),

(15) Miscellaneous Cargo Ships (AKD, AKL, AKV, AVT),

(16) Naval Barges and Lighters (YC, YCF, YCK, YCV, YF, YFB, YFN, YFNS, YFNX, YFP, YFR, YFRN, YFRT, YFT, YG, YGN, YOG, YOGN, YON, YOS, YSR, YTT, YW, YWN),

(17) Net Laying and Tending Ships (AKN, AN, YNG),

(18) Oceanographic Research Ship (AGOR),

(19) Patrol Craft (PT, YP),

(20) Repair, Salvage, and Rescue Vessels (AR, ARB, ARG, ARL, ARS, ARSD, ARV, ARVA, ARVE, ASR),

(21) Survey Ships (AGS, AGSC),

(22) Target and Training Submarine (SST),

(23) Tenders (AD, AGP, ARST, AS, AV, AVP, YDT),

(24) Transports and Barracks Vessels (AP, APB, APC, APL, YHB, YRB, YRBM),

(25) Tugs (ATA, ATF, ATR, YTB, YTL, YTM),

(26) Dredge (YM),

(27) Ocean Radar Picket Ship (AGR),

(28) Submersible Craft (X),

(29) Utility Aircraft Carrier (CVU).

(c) *Coast Guard patrol and service vessels and craft*:

(1) Submarine repair and berthing barge (YRB),

(2) Labor transportation barracks ship (APL),

(3) Coast Guard cutter (CGC),

(4) Gun boat (WPC),

(5) Patrol craft (WPC, WSC, WPC),

(6) Sea plane tender (WAVP),

(7) Ice breaker (WAGB),

(8) Cargo ship (WAK),

(9) Buoy tenders and boats (WAGE, WD),

(10) Cable layer (WARC),

(11) Lightship (WAL),

(12) CG tugs (WAT, WXT),

(13) Radio ship (WAGR),

(14) Special vessel (WIX),

(15) Auxiliary vessels (WAG, WAGE),

(16) Other Coast Guard patrol or rescue craft over 300 horsepower capacity.

(d) *Air Force craft*:

(1) Air Force rescue boat.

(e) *Army vessels and craft*:

(1) Transportation Corps tug—100 ft.

(LT), 65 ft. (ST), T-boat, Q-boat, J-boat,

E-boat.

(2) Barges (BG, BC, BR, BSP, BSPI, BKI,

BCF, EBL, BARC, BK),

(3) Cranes, floating (BD),

(4) Dry dock, floating (FDL),

(5) Repair ship, floating (FMS),

(6) Trainer, amphibious 20-ton wheeled tow boat, inland waterway (LTI, STI).

§ 121.13 Aircraft and related articles.

(a) The term "aircraft" used in Category VIII of the United States Munitions List means aircraft designed, modified, or equipped for a military function as specified in Category VIII, including so-called "demilitarized" aircraft. Their exportation and importation are subject to the licensing requirements of the Department of State.

(b) Unless specially equipped or modified for military operations, C-54, C-47 and C-46 aircraft are excluded from Category VIII of the United States Munitions List.

§ 121.14 Helium gas.

The word "helium" shall be understood to mean "contained helium" at standard atmospheric pressure (14.7 pounds per square inch) and 70° Fahrenheit. The term "contained helium" means the actual quantity of the element helium (i.e. 100 percent pure helium) in terms of cubic feet present in a mixture of helium and other gases. Purity determination shall be made by usually recognized methods.

§ 121.15 Forgings, castings, and machined bodies.

Items in a partially completed state, such as forgings, castings, extrusions, and machined bodies of any of the articles enumerated in the United States Munitions List which have reached a stage in manufacture where they are clearly identifiable as arms, ammunition, and implements of war are considered to be such articles for the purposes of section 414 of the Mutual Security Act, as amended.

PART 122—REGISTRATION

Sec.

- 122.01 Registration requirements.
- 122.02 Application for registration.
- 122.03 Certificate of registration.
- 122.04 Notification of changes in information furnished by registrants.
- 122.05 Maintenance of records by persons required to register as manufacturers, importers or exporters of United States Munitions List articles.

AUTHORITY: §§ 122.01-122.05, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, Sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 122.01 Registration requirements.

(a) Persons engaged in the business, within the United States, its territories or possessions, of manufacturing, exporting or importing articles enumerated in the United States Munitions List are required to register with the Secretary of State.

(b) The fabrication of arms, ammunition, and implements of war for experimental or scientific purposes, including research and development, is not considered as manufacture for the purposes of section 414 of the Mutual Security Act of 1954, as amended.

(c) The Department will not generally require the registration of persons

whose pertinent business activities are confined to the production, exportation, and importation of unclassified technical data relating to arms, ammunition, and implements of war.

§ 122.02 Application for registration.

(a) Applications for registration shall be submitted to the Secretary of State on form DPS-9 and shall be accompanied by a registration fee in the form of money order or check payable to the Department of State.

(b) Registration can be effected for periods of one year or four years upon payment of a fee of \$75.00 or \$300.00 respectively, at the option of the registrant.

§ 122.03 Certificate of registration.

(a) A certificate of registration valid for one or four years will be issued to the applicant after submission of an application for registration (form DSP-9). Certificates of registration are renewable upon payment of the fee of \$75.00 or \$300.00 for periods of one or four years respectively. Such certificates are not transferable.

(b) When a four year registration fee is paid, a refund for unused years may be granted, if warranted by reason of changed conditions or new facts developed subsequent to the issuance of the registration certificate. A refund for part of a year, however, will not be granted.

§ 122.04 Notification of changes in information furnished by registrants.

Registered persons shall notify the Secretary of State of significant changes in the information set forth in their applications for registration, such as the establishment of a foreign associate or the acquisition of a foreign affiliate. Upon receipt of such information, an amended certificate of registration will be issued, if appropriate, without charge. Amended certificates remain valid until the date of expiration of the original certificate.

§ 122.05 Maintenance of records by persons required to register as manufacturers, importers, or exporters of United States Munitions List articles.

(a) Persons required to register shall maintain for a period of six years, subject to the inspection of the Secretary of State or any person designated by him, records on the importation and exportation of articles enumerated in the U.S. Munitions List. The Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. Records shall contain all information pertinent to the transaction.

(b) Officers of the Office of Security and the Office of Munitions Control of the Department of State and of the United States Customs Agency Service, Bureau of Customs, Treasury Department, are hereby designated as the representatives of the Secretary of State for the purposes of this section.

PART 123—LICENSING CONTROLS

LICENSE PROCEDURES

Sec.	
123.01	Application for license.
123.02	Export license.
123.03	Import license.
123.04	Intransit license.
123.05	Validity and terms of licenses.
123.06	License denial, revocation or suspension.
123.07	Amendments and alterations.
123.08	Ports of exit or entry.
123.09	Licenses filed with collectors of customs.
123.10	Shipment by mail.
123.11	Foreign trade zones.
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123.13	Export of vessels of war.
123.14	Repairs or alterations of vessels.

COUNTRY OF DESTINATION

123.21	Country of ultimate destination.
123.22	Shipments to or from certain countries.
123.23	Canadian shipments.
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123.25	Domestic aircraft shipments via foreign ports.

SHIPMENTS BY THE UNITED STATES GOVERNMENT

123.40	Shipment by or to the United States Government.
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EXEMPTIONS FOR ARMS AND AMMUNITION SHIPMENTS

123.51	Obsolete small arms.
123.52	Arms carried on person or in baggage.
123.53	Arms for the use of members of the armed forces.
123.54	Sample shipments.

MISCELLANEOUS EXEMPTIONS

123.60	Border shipments.
123.61	Certain helium gas exports.
123.62	Scuba equipment.
123.63	Propellants and explosives.
123.64	Smokeless shotgun powder.
123.65	Privately owned military aircraft on temporary sojourn abroad.

SPECIAL EMERGENCY PROVISIONS

123.70	Temporary suspension or modification of the regulations of this part.
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AUTHORITY: §§ 123.01-123.70, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 123.01 Application for license.

Persons who intend to export from or import into the United States any of the articles enumerated in the United States Munitions List shall make application to the Department of State on form DSP-5 in the case of exports and DSP-38 in the case of imports. Application for intransit license shall be made on form DSP-61. Application for license to export technical data shall also be made on form DSP-5 (See Part 125).

§ 123.02 Export license.

Articles on the United States Munitions List may not be exported until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an export license, the Department of State may also require documentary informa-

tion pertinent to the proposed transaction. Licenses are applicable only to articles within the territorial jurisdiction of the United States (See also § 123.10).

§ 123.03 Import license.

(a) Articles on the United States Munitions List may not be imported until a license has been issued, or unless covered by an exemption provision of this subchapter. Prior to the issuance of an import license, the Department of State may also require documentary information pertinent to the proposed transaction.

(b) No military firearms or ammunition of United States manufacture may be imported for sale in the United States if such articles were furnished to foreign governments under a United States foreign assistance program. This prohibition is applicable to military firearms and ammunition furnished on a grant basis to, or for which payment in full has not been made by, a foreign government under the Lend-Lease Act of 1941, as amended; the Greek-Turkish Aid Act of 1947, as amended; the China Aid Act of 1948, as amended; the Mutual Defense Assistance Act of 1949, as amended; the Mutual Security Act of 1951, as amended; and the Mutual Security Act of 1954, as amended.

(c) The above restriction covers firearms which are advanced in value or improved in condition in a foreign country, but it does not include those which have been so substantially transformed as to become, in effect, articles of foreign manufacture (See § 121.02).

(d) A person desiring to import military firearms and ammunition which were manufactured in the United States must certify that the importation of such firearms or ammunition is not prohibited by the provision of paragraph (b) of this section, and that none of the firearms or ammunition being imported was furnished on a grant basis to, or was acquired without full payment by, a foreign government under a foreign assistance program of the United States as set forth in § 123.03(b) of Title 22, Code of Federal Regulations. The certification statement must be accompanied by documentary information on the original foreign source of the material.

NOTE: For the purpose of this section, the term "military firearms and ammunition" includes all firearms and ammunition furnished under the foreign assistance programs of the United States as set forth in paragraph (b) of this section. The term payment in full as used in paragraph (b) of this section, means the payment of a price established by the United States Government as the full value of the property.

§ 123.04 Intransit license.

An intransit license must be obtained prior to the entry of the material into the United States for transshipment to a third country (See also § 123.60).

§ 123.05 Validity and terms of licenses.

(a) Licenses are valid for six months from their issuance date unless a different period of validity is stated thereon. They are not transferable.

(b) No extensions may be granted on licenses which have expired or are about to expire. If shipment cannot be completed during the period of validity of the license, another application may be submitted for license to cover the unshipped balance.

§ 123.06 License denial, revocation or suspension.

(a) Licenses may be denied, revoked, suspended or revised by the Department of State without prior notice whenever the Department deems such action to be advisable in furtherance of,

- (1) World peace;
- (2) The security of the United States;

or

(3) The foreign policy of the United States.

(b) Whenever after appropriate consideration a license application is denied, or an outstanding license is revoked, suspended, or revised, the applicant or licensee shall be advised promptly in writing of the Department's decision, and the reasons therefor as specifically as security and foreign relations considerations permit.

(c) Upon written request made within 30 days after receipt of an adverse decision, the applicant or licensee shall be accorded a full review of his case by the Department.

(d) Unused, expired, suspended or revoked licenses must be returned immediately to the Department of State.

§ 123.07 Amendments and alterations.

No amendment or alteration of a license may be made except by the Department of State, or by collectors of customs or postmasters when specifically authorized to do so by the Department of State.

§ 123.08 Ports of exit or entry.

Applications for license should show the proposed port or ports of exit or entry in the United States. If, subsequent to the issuance of a license, shipping arrangements necessitate a change in port, the Department of State must be notified by letter of the change in port.

§ 123.09 Licenses filed with collectors of customs.

Prior to exportation or importation, licenses shall be filed with the collector of customs at the port through which the shipment is being made except for exports by mail (see § 123.10). Shippers' export declaration (United States Department of Commerce form 7 25-V) must also be filed with and authenticated by the collector before the commodities are exported.

§ 123.10 Shipment by mail.

(a) Export licenses for United States Munitions List articles, except technical data (see §§ 125.40 and 125.41), which are being transported by mail shall be filed with the postmaster at the post office where the articles are mailed. The postmaster shall endorse each license to reflect shipments made. The license must be returned to the Department of State upon expiration or completion of shipment (see § 123.09).

(b) Licenses covering imports by mail shall be filed with the collectors of customs at the port of entry.

§ 123.11 Foreign trade zones.

A Foreign Trade Zone of the United States is considered an integral part of the United States for the purpose of this subchapter, and a license is required for shipments of United States Munitions List articles to and from such Foreign Trade Zones.

§ 123.12 Export to warehouses or distribution points.

Applications for license to export United States Munitions List articles to warehouses or distribution points for subsequent resale will be considered by the Department. Licenses issued for such applications will normally contain conditions for special distribution controls and reporting.

§ 123.13 Export of vessels of war.

(a) The transfer of a vessel of war as defined by § 121.12 of this subchapter from United States to foreign registry is considered an exportation for which an approval or license from the Department of State is required. If the vessel to be exported is physically located in the United States, an export license must be obtained. If the vessel is located abroad, the Department's written approval in the form of a letter must be obtained prior to its transfer of registry.

(b) The registration under a foreign flag of an undocumented vessel of war located in the United States is considered an exportation for which a license is required from the Department of State.

§ 123.14 Repairs or alterations of vessels.

Persons affecting repairs or alterations on foreign vessels of war as defined in § 121.12, in the United States shall obtain an export license for articles enumerated in the United States Munitions List which are required in connection with such repairs or alterations.

COUNTRY OF DESTINATION

§ 123.21 Country of ultimate destination.

(a) The country designated on an application for export license as the country of ultimate destination must be the country wherein the articles being exported are to be used.

(b) The prior written approval of the Department of State must be obtained before United States Munitions List articles previously exported from this country under license may be re-sold, diverted, transferred, transshipped, re-shipped or re-exported to, or used in any country other than that described on the export license as the country of ultimate destination.

(c) The following statement shall be entered on the shipper's export declaration, the bill of lading and the invoice whenever United States Munitions List articles are to be exported:

These commodities are licensed by the United States Government for export to _____
(Country of ultimate destination)
contrary to United States law prohibited.

The American exporter and forwarding agent shall have the responsibility of entering such a statement.

§ 123.22 Shipments to or from certain countries.

The exemptions provided by this part do not apply to shipments destined for or originating in the Soviet Union, Soviet bloc countries, Communist China, north Korea, and any of the territories of Viet-Nam which are under de facto control of the Communists, or any other area that may come under Communist control.

§ 123.23 Canadian shipments.

Collectors of customs may release shipments of unclassified arms, ammunition, and implements of war to or from Canada without a license with the following exceptions:

(a) Intransit shipments through the United States to or from Canada or intransit shipments through Canada to or from the United States.

(b) Helium gas.

(c) Arms, ammunition, and implements of war which were imported into Canada from a third country and have been in Canada less than one year.

(d) No military firearms or ammunition of United States manufacture, as covered by § 123.03(b), may be imported for sale in the United States.

§ 123.24 Territories, possessions, other areas under United States sovereignty and the Canal Zone.

Export and import licensing controls do not apply to shipments between the continental United States, United States territories, possessions, other areas under the sovereignty of the United States, and the Canal Zone. Licenses are required, however, for exports from such areas to foreign countries.

§ 123.25 Domestic aircraft shipments via foreign ports.

A written statement must be filed by the pilot with the collector of customs at the port of exit for airborne shipments of arms, ammunition, and implements of war being transported from a port in the United States to another United States port via a foreign country other than Canada. The original of the statement should be filed with the collector at the port of exit and a duplicate thereof filed with the collector at the port of re-entry, for endorsement by him and transmission to the collector at the port of exit.

Statement

Domestic Shipments via Foreign Ports of Articles on United States Munitions List

The undersigned certifies that the articles listed below are being shipped from _____

(U.S. port of exit)

via _____

(Foreign port)

and that the final destination is _____

(United States port of entry)

Amount Description of article Value

Signed _____

Endorsement: Customs Inspector

Port of Exit ----- Date -----
 Endorsement: Customs Inspector
 Port of Entry ----- Date -----

SHIPMENTS BY THE UNITED STATES GOVERNMENT

§ 123.40 Shipment by or to the United States Government.

The exportation or importation of arms, ammunition, and implements of war by the United States Government is not subject to the provisions of section 414 of the Mutual Security Act, as amended. A license to import and export such articles is not required, therefore, when all aspects of the transaction are handled by a United States Government agency. A license is required, however, when a private individual or firm or forwarding agent is involved in any aspect of the transaction.

EXEMPTIONS FOR ARMS AND AMMUNITION SHIPMENTS

§ 123.51 Obsolete small arms.

Subject to the provisions of § 123.03, collectors of customs are authorized to permit the importation or exportation without a license of small arms covered by Category I of the United States Munitions List, which were manufactured prior to 1898, on presentation of satisfactory evidence of age.

§ 123.52 Arms carried on person or in baggage.

(a) Subject to the provisions of § 123.22, collectors of customs are authorized to permit not more than three non-automatic rifles, carbines, revolvers, or pistols and not more than one thousand cartridges therefor, to enter the United States or depart therefrom without a license when these firearms are on the person of an individual or with his baggage or effects, whether accompanied or unaccompanied, and are intended exclusively for his personal use for sporting or scientific purposes or for personal protection and not for resale.

(b) Subject to the provisions of § 123.22, collectors of customs are authorized to permit the exportation without a license of ammunition for firearms, provided the quantity does not exceed one thousand rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale. A license is required, however, for exportation to Bahrain, Kuwait, Qatar, the Trucial States, and Muscat and Oman.

(c) Subject to the provisions of § 123.22, collectors of customs are authorized to permit the importation without a license of one non-automatic firearm for the personal use of the ultimate consignee and not for resale.

§ 123.53 Arms for the use of members of the armed forces.

(a) Collectors of customs are authorized to permit members of the United States Armed Forces or United States civilian personnel employed by those forces, presenting written authorization from their commanding officers, to ship or bring into the United States without license, war trophies and souvenirs consisting of firearms and ammunition therefor.

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and parts of such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, and are accompanied by a written authorization from the commanding officer.

§ 123.54 Sample shipments.

Collectors of Customs are authorized to permit up to an inclusive total of three rifles, carbines (excluding automatic and semi-automatic models), revolvers and pistols to be exported or imported without a license, providing the articles being shipped are not for sale and will be returned to the same exporter or importer. Collectors of customs may also permit the exportation and importation of such sample weapons without a license when they are being returned to their owner.

MISCELLANEOUS EXEMPTIONS

§ 123.60 Border shipments.

Shipments originating in Canada or Mexico which incidentally transit the United States en route to a delivery point in the country of origin are exempt from the requirement of an intransit license.

§ 123.61 Certain helium gas exports.

Subject to the provisions of § 123.22, collectors of customs are authorized to permit the export without a license of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases, provided that the gas is intended for medical use and shipment does not exceed ten cubic feet of "contained helium" to any consignee.

§ 123.62 Scuba equipment.

Collectors of customs are authorized to permit the exportation or importation without a license of not more than three units of Scuba and other self-contained diving and swimming apparatus, intended exclusively for personal use.

§ 123.63 Propellants and explosives.

Subject to the provisions of § 123.22 of the Department's regulations, collectors of customs are authorized to permit the exportation without a license of propellants, except solid and liquid propellant compositions, and explosives for nonexplosive uses such as medical uses and laboratory tests. Such shipments must be clearly marked as to content, include no materials classified from a military security point of view, and weigh no more than 25 pounds.

§ 123.64 Smokeless shotgun powder.

Collectors of customs are authorized to permit the importation of smokeless shotgun powder without a license (See Category V of the United States Munitions List).

§ 123.65 Privately owned military aircraft on temporary sojourn abroad.

(a) A certificate of temporary sojourn may be issued by the Department in appropriate instances in lieu of an export license to authorize the departure of privately owned military aircraft from the United States for a temporary

sojourn abroad not to exceed three months' duration. The Department may require documentary evidence pertinent to the aircraft or proposed sojourn before issuance of a certificate of temporary sojourn. The provisions of § 126.02 are also applicable to certificates of temporary sojourn.

(b) Private owners of military aircraft to be flown or shipped from the United States under the provisions of paragraph (a) of this section shall complete and submit a request for a certificate of temporary sojourn, Form DSP-73, in triplicate to the Department for its approval.

(c) An original and duplicate copy of the certificate of temporary sojourn issued by the Department must be presented to the collector of customs at the port of departure. The certificate is for endorsement by the collector provided he finds no discrepancy in the statements made therein. The endorsed certificate shall be returned to the pilot and carried on the aircraft as evidence that the required permission has been granted and the duplicate retained by the collector for his records pending the completion of the temporary sojourn. The pilot or operator is required to depart from the United States at an airport where a customs officer is available for outward endorsement on the certificate. The outward clearance cannot be obtained by telephone or other informal means.

(d) Upon completion of the temporary sojourn, the certification shall be surrendered to the collector of customs at the port of entry. If the ports of entry and departure differ, the customs officer is to forward the surrendered certificate properly endorsed to the customs authorities at the original port of departure. The completed certificate must be returned to the Department.

(e) The Department may permit a privately-owned military aircraft to make a series of flights to and from the United States under a certificate of temporary sojourn not to exceed three months' duration. Full details of the proposed flights must be given.

(f) The dates of actual departure and entry shall be noted on the reverse side of the certificate and endorsed by appropriate customs officials. No action is to be taken on the copy of the certificate which is returned to the original port of exit until the pilot's copy of the certificate is taken up by the customs officer upon his last entry into the United States prior to the expiration of the authorized period.

(g) Requests for extension of temporary sojourn must be made to the Department in writing, stating the original port of departure.

SPECIAL EMERGENCY PROVISIONS

§ 123.70 Temporary suspension or modification of the regulations of this part.

The Director, Office of Munitions Control, Department of State, is authorized to order the temporary suspension or modification of any or all of the regulations of this part in the interest of

furthering the objectives of world peace and the security and foreign policy of the United States.

PART 124—LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

- Sec.
124.01 Manufacturing license agreements.
124.02 Technical assistance agreements.
124.03 Exportation of technical data in furtherance of an agreement.
124.04 Required provisions in agreements.

AUTHORITY: §§ 124.01-124.04, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 124.01 Manufacturing license agreements.

Agreements between persons or companies residing in the United States and foreign persons or entities, private or governmental, for the manufacture abroad of arms, ammunition, and implements of war are required to be submitted to the Department of State before the effective date of the agreement for review from the standpoint of United States foreign policy and military security.

§ 124.02 Technical Assistance Agreements.

Agreements entered into between persons or companies residing in the United States and foreign persons or entities, private or governmental, for the furnishing of technical assistance and technical information relating to articles designated as arms, ammunition, and implements of war are required to be submitted to the Department of State before the effective date of the agreement for review from the standpoint of United States foreign policy and military security.

§ 124.03 Exportation of technical data in furtherance of an agreement.

Collectors of Customs or postal authorities may permit the exportation without a license of unclassified technical data being exported in furtherance of a manufacturing license or technical assistance agreement covering United States Munitions List items concerning which the Department of State has, in writing, expressed no objection, unless the data contain a major advance in design, process or manufacturing technique over the United States Munitions List items covered in the original agreement. In such event, the data must be reviewed by cognizant representatives of the United States Government. The United States principal to the agreement will be responsible for submitting to the Department of State unclassified technical data of this type for review.

§ 124.04 Required provisions in agreements.

(a) Manufacturing license or technical assistance agreements should define in precise terms the following:

- (1) The equipment and technology involved;
- (2) The scope of the information to be furnished;

(3) The period of duration of the agreement;

(4) Statement of ownership of equipment and special tools involved which would be made available in connection with the agreement. In lieu of inclusion as an integral part of the agreement, the applicant may submit this information in the form of an attachment or enclosure to the agreement submitted for review.

(b) (1) It is the policy of the United States Government not to pay or allow to be paid in connection with purchases made with Mutual Security Program funds, a charge for patent rights in which it holds a royalty-free license, or for technical data which it has a right to use and disclose to others for purposes of the Mutual Security Program, or which are in the public domain, or with respect to which it has been placed in possession without restriction upon their use and disclosure to others. Reasonable charges for reproduction, handling, mailing, and other similar administrative costs do not fall within this policy.

(2) Pursuant to the above policy (subparagraph (1) of this paragraph) agreements shall be written in such a way as to provide that (i) purchases of items by or for the United States Government, or with funds derived through the Mutual Security Program, will not include a charge (a) for technical data in the possession of the United States Government, or in which the United States Government has a right to possession, and regarding which there is no prohibition against use by the United States Government and disclosure to others and (b) for royalties or amortization for patents or inventions in which the United States Government holds a royalty-free license; and (ii) the license rights transferred by such agreements will be subject to existing rights of the United States Government.

(c) (1) It is further the general policy of the United States Government not to approve agreements envisaging the transmittal abroad of classified United States military information unless certain security arrangements are in existence on a government-to-government basis under which the United States Government can be assured that its classified information will be properly protected abroad. Release of such information requires the prior approval of the cognizant United States military department under established authorities. It is also necessary to invoke an existing government-to-government agreement or to establish an agreement which will bind the licensee's government to assume responsibility for the adequate protection of classified United States information.

(2) In accordance with subparagraph (1) of this paragraph, any proposed agreement envisaging the transmission of classified United States military information abroad shall be submitted to the Department of State for review and coordination with appropriate military authorities prior to the consummation of negotiations with the foreign government or firm.

(d) No liability shall be incurred by or attributed to the United States Government by reason of this review requirement in connection with any possible future infringements of privately-owned patent or proprietary rights, either domestic or foreign. The applicant shall acknowledge this provision of the regulations either by its inclusion in the agreement or by letter over the signature of an officer of the company.

PART 125—TECHNICAL INFORMATION

DEFINITIONS AND INTERPRETATIONS

- Sec.
125.01 Technical data.
125.02 Classified information.

TRANSMISSION OF INFORMATION

- 125.11 Transmission of unclassified technical information.
125.12 Transmission of classified information.

EXPORT CONTROL REQUIREMENTS

- 125.20 Requirements.

TECHNICAL DATA EXEMPTIONS

- 125.30 General exemptions.
125.31 Importation of technical data.
125.32 Canadian shipments.

MAILING AND SHIPPING PROCEDURES

- 125.40 Certification requirements.
125.41 Clearance of exports.
125.42 Sino-Soviet bloc destinations.

AUTHORITY: §§ 125.01 to 125.42, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

DEFINITIONS AND INTERPRETATIONS

§ 125.01 Technical data.

The term "technical data" as used in Category XVII of the United States Munitions List means any professional, scientific, or technical information relating to arms, ammunition, and implements of war, including but not limited to, any model, design, photographic negative, document or any other thing containing a plan, specification or descriptive information of any kind (see also § 125.20).

§ 125.02 Classified information.

Classified military information, including classified technical data, is covered by Category XVI of the United States Munitions List and refers to any material or information which has been assigned a military security classification, by any agency of the Department of Defense. Military information is information under the control and jurisdiction of the Department of Defense, its departments and agencies, or of primary interest to them.

TRANSMISSION OF INFORMATION

§ 125.11 Transmission of unclassified technical information.

The export controls established under the provisions of Section 414 of the Mutual Security Act of 1954, as amended, relating to technical data cover the exportation of technical information on articles designated as arms, ammunition, and implements of war in the

United States Munitions List, regardless of whether the transmission of such information is accomplished by oral, visual or documentary means. This includes but is not limited to transmission by mail, by hand, through foreign visits by American technical personnel, release to foreign nationals in the United States, or through participation in symposia.

§ 125.12 Transmission of classified information.

Classified military information, including classified technical data, Category XVI, United States Munitions List, may only be transferred or exported on a government-to-government basis or under other special procedures established by the cognizant military agency.

EXPORT CONTROL REQUIREMENTS

§ 125.20 Requirements.

(a) A license issued by the Department of State is required for the exportation of unclassified technical data, Category XVII of the United States Munitions List, unless the exportation falls within the exemption provisions of these regulations (see § 125.30). The application for license must be submitted on the prescribed form (form DSP-5) with accompanying technical data documentation to be furnished in triplicate.

(b) A license issued by the Department of State is required for the exportation of unclassified technical data relating to arms, ammunition, and implements of war which is included in any application for a foreign patent. This licensing requirement is in addition to the license for foreign filing which must be obtained by an exporter from the Patent Office during the first six months of the pendency of a patent application. After six months, only a Department of State license is required. If the thereto should be addressed to the Patent Office.

(c) Communication with the Department of State is required in the event that classified military information will be involved in a proposed exportation. A letter must be submitted to the Department containing full details of the proposed transaction, accompanied by documentation in triplicate to assist in the consideration of the proposal.

§ 125.21 Government agency shipments.

An export license is not required when the shipment is made by the United States Government or an agency thereof unless a private individual or firm is involved in the shipping or mailing procedure.

TECHNICAL DATA EXEMPTIONS

§ 125.30 General exemptions.

(See § 125.40.)

Collectors of Customs or Postal Authorities may permit the exportation without a license to any destination other than those listed in § 125.42 of unclassified technical data as follows:

- (a) If they are in published form and subject to public dissemination by being:
 - (1) Sold at newsstands and bookstores;
 - (2) Available by subscription of pur-

chase to any individual without restriction;

(3) Granted second class mailing privileges by the United States Government; or

(b) If they are technical data related to United States Munitions List items which have been reviewed and approved for public release by an authorized agency of the Department of Defense.

(c) When the technical data are being exported in furtherance of a manufacturing license or technical assistance agreement as set forth in § 124.03.

(d) When the technical data are being exported in furtherance of a contract with an agency of the United States Government or a contract between an agency of the United States Government and a foreign manufacturer or other foreign entity, provided the contract specifically calls for transmission of relevant technical data.

(e) When the technical data relate to firearms not in excess of caliber .50 and ammunition for such weapons except unclassified technical data containing advanced designs, processes and manufacturing techniques.

(f) When the technical data relate to sales bulletins, operational maintenance manuals, and sales promotion manuals covering equipment, the exportation of which has been authorized.

(g) When the technical data consist of additional copies of sales bulletins, operational, maintenance, sales promotional manuals previously approved for export to these destinations.

§ 125.31 Importation of technical data.

A license is not required for the importation of technical data.

§ 125.32 Canadian shipments.

Collectors of Customs or postal authorities may permit unclassified technical data to be exported to Canada without the presentation of a license.

MAILING AND SHIPPING PROCEDURES

§ 125.40 Certification requirements.

If the exporter wishes to claim the benefit of an exemption from the requirement of an individual license in accordance with the provisions of § 125.30, he is required to certify that the proposed exportation is covered by one of the provisions of that section. He may so certify by marking the package or letter "22 CFR 125.30 ----- applicable", identifying the specific subsection or subsections under which the exemption is claimed.

§ 125.41 Clearance of exports.

Licenses covering technical data exports must be presented to the appropriate collector of customs or postal authority when shipment is made.

§ 125.42 Sino-Soviet bloc destinations.

The exemptions provided in this part do not apply to the following destinations: the Soviet Union, Soviet bloc countries, Communist China, North Korea, any of the territories of Viet-Nam which are under de facto control of the

Communists, or any other area that may come under Communist control.

PART 126—VIOLATIONS AND PENALTIES

Sec.	
126.01	Violations in general.
126.02	Misrepresentation and concealment of facts.
126.03	Penalties for violations.
126.04	Authority of collectors of customs.
126.05	Seizure and forfeiture.

AUTHORITY: §§ 126.01-126.05, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7252, 3 CFR, 1954 Supp.

§ 126.01 Violations in general.

It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the United States Munitions List as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having obtained a license therefor unless a written approval was obtained from the Department of State or an exemption from this requirement is authorized by this subchapter.

§ 126.02 Misrepresentation and concealment of facts.

(a) It shall be unlawful under these regulations willfully to use for the purpose of exportation or importation of U.S. Munitions List articles any export or import control document which makes a false statement or misrepresents or conceals material facts. Any such false statement, representation or concealment in such a document so used for such purpose shall be considered as made in a matter within the jurisdiction of an Agency of the United States in violation of section 1001 of title 18, United States Code and Section 414 of the Mutual Security Act (22 U.S.C. 1934).

(b) For the purpose of this section, the term export or import control document shall include the following when used for the purpose of exportation of United States Munitions List articles:

- (1) Applications for import, export, or intransit license to the Department of State and supporting documents.
- (2) Shipper's export declarations.
- (3) Invoices.
- (4) Declaration of destinations.
- (5) Delivery verification.
- (6) Request for certificate of temporary sojourn.

§ 126.03 Penalties for violations.

Any person who willfully violates any provision of Section 414 of the Mutual Security Act of 1954, 22 U.S.C. 1934, as amended, or any rule or regulation issued under that section or who willfully, in a registration, license application, or written request makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be fined not more than \$25,000

or imprisoned not more than two years, or both.

§ 126.04 Authority of Collectors of Customs.

(a) Collectors of Customs are authorized to take appropriate action to insure observance of this subchapter as to the importation, or attempt to import, or to the exportation, or attempt to export, arms, ammunition, and implements of war, including technical data relating thereto, whether or not authorized by the licenses or written approval issued under this subchapter, including but not limited to inspection and loading or unloading of carriers.

(b) When a license or written approval is presented to a Collector of Customs authorizing the exportation or importation, of arms, ammunition, and implements of war, together with such other documents as may be required by customs regulations, the collector may require the production of other documents and information relating to the proposed exportation or importation, including invoices, orders, packing lists, shipping documents, correspondence, instructions, and other relevant information and documents.

§ 126.05 Seizure and forfeiture.

Whenever an attempt is made to import, or bring into the United States, or to export, or ship from or take out of the United States, any arms, ammunition, and implements of war, including technical data relating thereto, in violation of law, the several Collectors of Customs or officials of such other United States agencies as may be authorized to perform law enforcement functions may seize and detain any such arms, ammunition, and implements of war, including technical data relating thereto, and the vessel, vehicle or aircraft containing the same, and retain possession thereof until released or disposed of as directed by law.

PART 127—FOREIGN MILITARY AIRCRAFT FLIGHTS

- Sec.
127.01 Foreign military flight clearances.
127.02 Use of military installations.
127.03 Required information.
127.04 Reciprocal arrangements.

AUTHORITY: §§ 127.01–127.04, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.; U.S.C. 1003(a).

§ 127.01 Foreign military flight clearances.

Foreign military aircraft desiring to overfly or land on United States territory are required to obtain written authorization to do so in advance from the Department of State. Such a request normally is made by the appropriate foreign government embassy in Washington in the form of a diplomatic note. The request must reach the Department of State no later than 72 hours before the overflight is to take place.

§ 127.02 Use of military installations.

Requests by foreign governments for authorization to land their military air-

craft at United States military installations must have the approval of the defense agency owning or leasing the military installations in addition to the required authorization of the Secretary of State for overflight of United States territory (see § 127.01). Requests for authorization to visit a military installation should be made to the defense agency concerned as far in advance as possible and no later than 72 hours before the arrival date. It should contain information outlined in § 127.03.

§ 127.03 Required information.

In regard to the information required in connection with §§ 127.01 and 127.02, foreign governments requesting permission for military aircraft to overfly and land should support the request with the following information:

- (a) The purpose of the flight;
- (b) The type and identity of the aircraft;
- (c) Names and nationality of crew;
- (d) Names and nationality of passengers;
- (e) Dates of arrival and departure at each point;
- (f) Special services and facilities desired.

§ 127.04 Reciprocal arrangements.

Reciprocal arrangements have been entered into with certain countries concerning military flights. Such arrangements have the effect of modifying or eliminating the necessity of obtaining prior clearances under the conditions set forth in the agreements.

PART 128—ADMINISTRATIVE PROCEDURES

- Sec.
128.01 Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.
128.02 Exclusion of functions under section 1108(a) of Federal Aviation Act.

AUTHORITY: §§ 128.01, 128.02, issued under sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934, sec. 103, E.O. 10575, 19 F.R. 7251, 3 CFR, 1954 Supp.

§ 128.01 Exclusion of functions under section 414 of Mutual Security Act of 1954, as amended.

The functions conferred by section 414 of the Mutual Security Act of 1954, as amended, are excluded from the operation of the Administrative Procedures Act (60 Stat. 237), as contemplated by sections 1003 and 1004 thereof.

§ 128.02 Exclusion of functions under section 1108(a) of the Federal Aviation Act.

The functions conferred by section 1108(a) of the Federal Aviation Act are excluded from the operations of the Administrative Procedures Act as contemplated by sections 1003 and 1004 thereof.

The provisions of section 4 of the Administrative Procedure Act (60 Stat. 283; 5 U.S.C. 1003) relative to notice of proposed rule making are inapplicable to this order because the regulations con-

tained therein involve foreign affairs functions of the United States.

These regulations shall take effect on March 1, 1960.

Dated: February 24, 1960.

For the Secretary of State.

JOHN W. HANES, Jr.,
Administrator, Bureau of
Security and Consular Affairs.

[F.R. Doc. 60-1890; Filed, Mar. 1, 1960; 8:49 a.m.]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 48—ENROLLMENT OF INDIANS OF THE SAN PASQUAL BAND OF MISSION INDIANS IN CALIFORNIA

Preparation, Approval and Maintenance of Roll

On page 6053 of the FEDERAL REGISTER of July 29, 1959, there was published a notice of intention to add Part 48 to Title 25 of the Code of Federal Regulations. The purpose of the regulations is to govern enrollment of the San Pasqual Band of Mission Indians in California.

Interested persons were given an opportunity to submit their views, data and arguments concerning the proposed regulations within thirty days from the date of publication of the notice.

Several suggestions pertaining to the proposed regulations were received within the period specified. The suggestions have been thoroughly considered since the expiration of the 30-day period. As a result of such consideration it was determined that the suggestions would be very helpful in the implementation of the regulations, and would be incorporated therein.

1. It was not the intent in § 48.4 *Application for enrollment*, to restrict the filing of applications to persons included in the term "natural guardian". Therefore, the words "legal guardian" have been substituted for "natural guardian" and the fifth sentence in the first paragraph of § 48.4 now reads: "An application on behalf of a minor or mental incompetent shall be executed by a parent, legal guardian, or other person responsible for his care."

2. Section 48.4 (e) and (f) have been clarified by including language to cover affiliation with a tribe or band of Indians other than the San Pasqual Band of Mission Indians.

3. Section 48.5 *Persons to be enrolled*, has also been clarified by including language to cover affiliation with another tribe or band of Indians.

4. In order to clarify the intent of § 48.5(e) additional language has been included as paragraph (f).

5. Section 48.14 *Current membership roll*, has been revised in its entirety to clarify the type of corrections considered to be an administrative function and the

type of corrections subject to the approval of the Secretary.

The proposed regulations are hereby adopted, as so revised, and are set forth below. These regulations will become effective at the beginning of the 30th calendar day following the date of publication in the *FEDERAL REGISTER*.

FRED A. SEATON,
Secretary of the Interior.

FEBRUARY 25, 1960.

- Sec.
- 48.1 Purpose.
 - 48.2 Definitions.
 - 48.3 Preparation of roll.
 - 48.4 Application for enrollment.
 - 48.5 Persons to be enrolled.
 - 48.6 Enrollment Committee election.
 - 48.7 Review of applications by Enrollment Committee.
 - 48.8 Determination of eligibility and enrollment by Director.
 - 48.9 Appeals.
 - 48.10 Action by the Commissioner.
 - 48.11 Action by the Secretary.
 - 48.12 Preparation and approval of roll.
 - 48.13 Certificate.
 - 48.14 Current membership roll.
 - 48.15 Use of approved roll.

AUTHORITY: §§ 48.1 to 48.15 issued under secs. 463 and 465 Revised Statutes, 25 U.S.C. 2 and 9.

§ 48.1 Purpose.

The regulations in this part shall govern the enrollment of persons in the San Pasqual Band of Mission Indians in California as of January 1, 1959.

§ 48.2 Definitions.

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Director" means the Area Director, Sacramento Area Office.

(d) "Field Representative" means the Area Field Representative, Riverside, California.

(e) "Band" means the San Pasqual Band of Mission Indians.

(f) "Enrollment Committee" means a committee of three (3) members whose names appear on the June 30, 1910, Census Roll of the San Pasqual Band, to assist in enrollment.

(g) "Census Roll" means the June 30, 1910, Census Roll of the San Pasqual Band of Mission Indians.

§ 48.3 Preparation of roll.

The Director shall prepare and submit for approval by the Secretary a roll of the members of the Band.

§ 48.4 Application for enrollment.

A person who believes that he or she, or a minor or mental incompetent is entitled to enrollment with the Band, may, within ninety (90) days from the date of the publication of this part in the *FEDERAL REGISTER*, file with the Field Representative a written application for enrollment in this Band. Application forms may be obtained from the Field Representative or a member of the Enrollment Committee. The form of application shall be prescribed by the Director. The execution of each application shall be witnessed by two (2) disinterested persons who are not mem-

bers of the household of the applicant. An application on behalf of a minor or mental incompetent shall be executed by a parent, legal guardian, or other person responsible for his care. If the Director has knowledge of a minor or mental incompetent for whom an application has not been filed within the 90-day period, he shall file an application for that person and submit it to the Enrollment Committee. Each application shall contain the following information:

(a) The name and address of the applicant, and if the applicant is a minor or mental incompetent; the name, address, representative capacity and blood relationship of the person executing the application on behalf of the minor or mental incompetent.

(b) The date and place of birth of the applicant.

(c) The applicant's degree of Indian blood and degree of Indian blood of the Band.

(d) Date and number of land assignment approved by the Bureau of Indian Affairs.

(e) If the applicant has ever been allotted, enrolled or affiliated with another reservation, the name of the reservation where allotted, enrolled or affiliated and the date of relinquishment of allotment, enrollment or reservation affiliation.

(f) The name and degree of Indian blood of each parent of the applicant, the degree of Indian blood of the Band, the name of the tribe or band with which each parent of the applicant is or was enrolled or affiliated and the names and addresses of any brothers and sisters of the applicant who may have filed applications for enrollment with the Band.

(g) If the applicant is enrolled on approved roll of Indians of California, the number thereon of the applicant.

§ 48.5 Persons to be enrolled.

The names of persons in any of the following categories who were alive on January 1, 1959, shall be placed on the membership roll of the Band, provided he is not an enrolled member of or affiliated with some other tribe or band.

(a) Indians whose names appear as members of the Band on the Census Roll.

(b) Descendants of Indians whose names appear as members of the Band on the Census Roll, provided such descendants possess one-eighth ($\frac{1}{8}$) or more degree of Indian blood of the Band.

(c) Indians not included in the categories set out in paragraphs (a) and (b) of this section who can furnish sufficient proof to establish that they are $\frac{1}{8}$ or more degree Indian blood of the Band.

(d) The burden of proof rests upon the applicant to establish that he is of the degree of Indian blood of the Band as claimed in the application.

(e) If an Indian who applies for enrollment under the provisions of paragraph (a), (b) or (c) of this section has received in his own right an allotment or is enrolled as a member with some other tribe or band and has not relinquished such allotment or enrollment prior to January 1, 1959, such person shall not be enrolled. Ownership

of an allotment or an interest in an allotment acquired through inheritance shall not, however, be a bar to enrollment.

(f) A person who meets the requirements of paragraph (a), (b), or (c) of this section, but whose name has been carried on the census roll of another reservation shall be declared ineligible for enrollment unless he can establish that he has been affiliated with the San Pasqual Band for a continuous period of at least one year immediately prior to January 1, 1959, evidenced by residence on the reservation or through active participation in tribal affairs such as attendance at tribal meetings, and being permitted to vote on matters relating to the San Pasqual Reservation. Should an applicant establish his eligibility for enrollment his membership claim at the other reservation must be relinquished in writing prior to approval of his enrollment with the San Pasqual Band. Notice of relinquishment must be submitted to the tribal representatives of both reservations involved, the Riverside Area Field Office and the Sacramento Area Office.

§ 48.6 Enrollment Committee election.

A person who is twenty-one (21) years of age or older and believes that he is a member of the Band, shall be entitled to vote at a time and place and in a manner designated by the Band or Director, to elect three (3) persons, whose names appear on the Census Roll, to serve as members of the Enrollment Committee and two (2) persons to act as alternates to the Committee. The three (3) persons receiving the highest number of votes shall constitute the Enrollment Committee of the Band, and the persons receiving the fourth and fifth highest number of votes shall serve as alternate members of the Committee. The person receiving the highest number of votes shall be the chairman; the person receiving the next highest number of votes shall be the secretary.

§ 48.7 Review of applications by Enrollment Committee.

The Field Representative shall refer duly filed applications for enrollment to the Enrollment Committee. The Enrollment Committee shall review each such application and may require an applicant to furnish additional information in writing or in person to assist the Enrollment Committee to make a recommendation. The Enrollment Committee shall file with the Director, through the Field Representative, those applications which it approves and with those applications not approved shall submit a separate report stating reasons for disapproval. The applications, whether approved or disapproved, shall be filed with the Director within thirty (30) days from receipt of the applications by the Committee.

§ 48.8 Determination of eligibility and enrollment by Director.

The Director shall review the reports and recommendations of the Enrollment Committee and shall determine the applicants who are eligible for enrollment in accordance with the provisions of

§ 48.5. The Director shall transmit for review to the Commissioner and for final determination by the Secretary, the reports and recommendations of the Enrollment Committee relating to applicants who have been determined by the Director to be eligible for enrollment against the report and recommendations of the Enrollment Committee, and the reports and recommendations of the Enrollment Committee relative to applicants who have been determined by the Director not to be eligible for enrollment against the reports and recommendations of the Enrollment Committee, with a statement of the reasons for his determination.

§ 48.9 Appeals.

If the Director determines that an applicant is not eligible for enrollment in accordance with the provisions of § 48.5 he shall notify the applicant in writing of his determination and the reasons therefor. Such applicant shall then have thirty (30) days from the date of the mailing of the notice to him to file with the Director an appeal from the rejection of his application, together with any supporting evidence not previously furnished. The Director shall forward to the Commissioner the appeal, supporting data, and his recommendation thereon, and the report and recommendation of the Enrollment Committee on the application.

§ 48.10 Action by the Commissioner.

When upon review the Commissioner is satisfied that the appellant meets the provisions of § 48.5 he shall so notify the appellant in writing, and the Director is authorized to enter his name on the roll. If the Commissioner determines that an appellant is not eligible for enrollment in accordance with the provisions of § 48.5 the appellant shall be notified in writing of his decision and the reasons therefor. The appellant shall then have thirty (30) days from the date of mailing of the notice to file an appeal with the Secretary.

§ 48.11 Action by the Secretary.

The decision of the Secretary on an appeal shall be final and conclusive and the appellant shall be given written notice of the decision. The Director is authorized to enter on the roll the name of any such person whose appeal has been granted when so directed by the Secretary.

§ 48.12 Preparation and approval of roll.

Upon notice from the Secretary that all appeals have been determined the Director shall prepare in quintuplicate a roll of members of the Band, arranged in alphabetical order. The roll shall contain for each person: Name, address, sex, date of birth, and degree of Indian blood of the Band. The Director shall submit the roll to the Secretary for approval. Four (4) copies of the approved roll shall be returned to the Director who shall make one (1) copy available to the Chairman of the Tribal Council and one (1) copy available to the Chairman of the Enrollment Committee.

§ 48.13 Certificate.

The Director shall affix a certificate to the approved roll, certifying that the roll, to the best of his knowledge and belief, contains only the names of Indians entitled to enrollment with the Band.

§ 48.14 Current membership roll.

The roll shall be kept current by:

(a) Striking therefrom the names of persons who have relinquished in writing their membership in the Band and of deceased persons upon receipt of a death certificate or other evidence of death acceptable to the Director.

(b) By adding thereto the names of children born after January 1, 1959, who meet the membership requirements set forth in § 48.5.

(c) Corrections to the roll of incorrect dates of birth, degrees of Indian blood, family relationships, etc., may be made by the Director if such corrections are supported by evidence satisfactory to him.

(d) Names of individuals whose enrollment was based on information subsequently determined to be inaccurate may be deleted from the roll, subject to the approval of the Secretary.

(e) It will not be necessary for the Secretary to approve additions, deletions and corrections as covered in paragraphs (a), (b) and (c) of this section. However, before the roll may be used for the distribution of tribal assets it shall be submitted to the Secretary for his final approval.

§ 48.15 Use of approved roll.

Unless otherwise directed by Congress, the approved roll shall be used for all official purposes.

[F.R. Doc. 60-1884; Filed, Mar. 1, 1960; 8:48 a.m.]

SUBCHAPTER K—PATENTS, ALLOTMENTS AND SALES

PART 124—EQUALIZATION OF ALLOTMENTS, AGUA CALIENTE (PALM SPRINGS) RESERVATION, CALIFORNIA

Pursuant to authority vested in the Secretary of the Interior by section 161 of the Revised Statutes (5 U.S.C. 22), a new Part 124 is hereby added to Title 25, Code of Federal Regulations, and is set forth below. The purpose of this regulation is to provide procedures for the equalization of allotments on the Agua Caliente Reservation, California, pursuant to the acts of January 12, 1891 (26 Stat. 712), March 2, 1917 (39 Stat. 969, 976), and September 21, 1959 (73 Stat. 602).

Prior to the enactment of the September 21, 1959, act, plans had been developed for the equalization of allotments under then existing law. Instructions on procedures to carry out these plans were published in the FEDERAL REGISTER of January 23, 1959, in a notice of promulgation of Bureau of Indian Affairs Order 569. Interested persons were given an opportunity to submit their comments, suggestions, or objections within 30 days

from the date of publication in the FEDERAL REGISTER. As a result of certain objections received, changes in the procedures were made and instructions were approved and published in the FEDERAL REGISTER of May 15, 1959 (24 F.R. 4033).

The postponement of the effective date of this regulation for 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) is unnecessary as the regulation as set forth below incorporates substantially the same procedural details as were in the instructions that were published, with such additional provisions made necessary by the September 21, 1959, act. This regulation becomes effective at the beginning of the calendar day on which it is published in the FEDERAL REGISTER.

FRED A. SEATON,
Secretary of the Interior.

FEBRUARY 25, 1960.

Sec.	Definitions.
124.1	Purpose and scope.
124.2	Tribal reserves.
124.3	Airport lands.
124.4	Protection of incompetents and minors.
124.5	Designation of lands for selection purposes.
124.6	Order and method of selection.
124.7	Schedule of allotments.
124.8	Disposition of income from Parcel B, Spa Lease.
124.9	

AUTHORITY: §§ 124.1 to 124.9 issued under R.S. 161; 5 U.S.C. 22; interpret or apply acts of January 12, 1891 (26 Stat. 712), March 2, 1917 (39 Stat. 969, 976), and September 21, 1959 (73 Stat. 602).

§ 124.1 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative.

(b) "Band" means the Agua Caliente (Palm Springs) Band of Mission Indians.

(c) "Allottee" means a member of the Band living on September 21, 1959, who has received an allotment on the Agua Caliente (Palm Springs) Reservation, California, or receives an allotment under section 2 of the Act of September 21, 1959 (73 Stat. 602).

(d) "Participating allottee" means an allottee as defined herein who has received an allotment with a value that is less than the equalization figure deemed feasible by the Secretary in accordance with this regulation.

§ 124.2 Purpose and scope.

(a) The purpose of this regulation is to establish the procedures to be followed to equalize as nearly as possible the values of allotments of land on the Agua Caliente (Palm Springs) Reservation in California, in accordance with the provisions of the Act of September 21, 1959 (73 Stat. 602). Compliance with these procedures shall be deemed complete and full equalization of allotments on the Agua Caliente Reservation. This regulation supersedes all prior instructions regarding the equalization of allotments.

(b) Individuals who received allotments but who were not living on September 21, 1959, shall be excluded from equalization.

(c) The values to be used as a basis for equalization shall be the values of the allotments as set out in contract appraisals made for the Bureau of Indian Affairs in 1957 and 1958, excluding the value of any improvements thereon; but if lands have been sold under supervision of the Bureau of Indian Affairs by an allottee, the value used as a basis for equalization will be the amount received in such sale, excluding the value assigned to any improvements thereon, and where lands have been fee patented and sold by an allottee, the value used as a basis for equalization will be the appraised value of the land, excluding improvements, at the time it was sold, regardless of the amount received in the sale.

(d) The value of tribal lands available for equalization will also be determined on the basis of the appraisals made by independent contract appraisers. On the basis of such values, the Secretary shall calculate the highest possible level of equalization that is feasible for the allottees by allotting all of the tribal land, except the tribal reserves described herein, without regard to the acreage limitation imposed by statute prior to September 21, 1959.

§ 124.3 Tribal reserves.

The following tribal lands shall not be subject to allotment but shall be designated as tribal reserves for the benefit and use of the Band:

Cemetery No. 1—W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ (Block 235), sec. 14, T. 4 S., R. 4 E., San Bernardino meridian, California.

Cemetery No. 2—A two-acre tract, that includes the area designated in Secretarial Order of November 5, 1958, the description of which will be determined after consultation with the Band.

Roman Catholic Church—Lot 29, sec. 14, T. 4 S., R. 4 E., San Bernardino meridian, California, containing 2 acres, more or less.

Mineral Springs—Lots 3a, 4a, 13 & 14, sec. 14, T. 4 S., R. 4 E., San Bernardino meridian, California.

San Andreas Canyon—W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, sec. 3, T. 5 S., R. 4 E., San Bernardino meridian, California.

Palm Canyon—S $\frac{1}{2}$ and S $\frac{1}{2}$ N $\frac{1}{2}$, sec. 14, T. 5 S., R. 4 E.; all of sec. 24, T. 5 S., R. 4 E., San Bernardino meridian, California.

Tahquitz Canyon—SW $\frac{1}{4}$, sec. 22, T. 4 S., R. 4 E.; N $\frac{1}{2}$, sec. 28, T. 4 S., R. 4 E., San Bernardino meridian, California.

Murray Canyon—E $\frac{1}{2}$, sec. 10, T. 5 S., R. 4 E., San Bernardino meridian, California.

§ 124.4 Airport lands.

The unallotted portions of sec. 18, T. 4 S., R. 5 E., San Bernardino meridian, and sec. 12, T. 4 S., R. 4 E., San Bernardino meridian, which are in the municipal airport of the City of Palm Springs shall be subject to selection for equalization purposes with the following qualifications: If a sale of such lands to the City of Palm Springs is consummated pursuant to section 3(d) of the Act of September 21, 1959 (73 Stat. 602), any participating allottee who makes an equalization selection from the lands sold to the City shall receive in lieu thereof such share of the proceeds of the sale as his equalization units in the airport lands bear to the total equalization units of the airport lands, as estab-

lished in accordance with § 124.6 of this part.

§ 124.5 Protection of incompetents and minors.

The Secretary shall cause the appointment of a guardian or conservator of the estate of all minor allottees and for those adult allottees who, in his judgment, are in need of assistance in handling their affairs, in accordance with applicable State laws before making any equalization allotments to them.

§ 124.6 Designation of lands for selection purposes.

The Secretary shall prepare maps of all tribal lands, except those reserved areas enumerated above, showing thereon a division of such lands into parcels of sizes consistent with the requirements of the participating allottees, giving all possible regard to maintaining such plot factors as will preserve to the highest degree the values inherent in the lands thus being designated. All parcels shall conform, as nearly as possible, to aliquot parts of legal subdivisions of the public land surveys. The maps will show unit values for each designated parcel, one unit for each \$5,000 of value. Values may be rounded off to the nearest one-half unit.

§ 124.7 Order and method of selection.

(a) The Secretary shall prepare a list of allottees entitled to participate in equalization. Number 1 on the list shall be the participating allottee having the lowest valued allotment. Number 2 shall be the participating allottee having next to the lowest valued allotment, and so forth, in ascending order of values. Participating allottees shall make their selections in the order in which they appear on the list. Participating allottees (or the guardians of such minor allottees and adults for whom guardians or conservators have been appointed under appropriate State law) shall be informed in writing by certified mail of the time set for making the selections and the number of equalization units to which they are entitled. The notice shall be received at least ten (10) days in advance of the time set for the participating allottee's appearance at the Bureau of Indian Affairs Office in Palm Springs, California. Each participating allottee shall be allowed from 12 o'clock noon of the day of his scheduled appearance to 12 o'clock noon the following day within which to make his equalization selection.

(b) A participating allottee shall select such parcel or parcels as will satisfy his equalization entitlement. A participating allottee may, in the discretion of the Secretary, select a portion of a designated parcel if it is necessary in order for him to obtain his full entitlement. A selection must be made by the individual participating allottee or by a representative authorized by appropriate power of attorney in writing to act for him, except that in the case of minors and adults for whom guardians or conservators have been appointed under appropriate State laws, the selection must be made by such guardian or conservator

who will be required to exhibit their authorization and to establish their identity.

(c) If a participating allottee fails to complete his selection at the time set, he shall lose his turn in the selection process. Such an individual may appear at the Bureau of Indian Affairs Office on any following day, until ten (10) days after the date set for the final equalization selection, and file his selection. If such individual appears on a day assigned to another participating allottee, the scheduled participating allottee's selection will have priority. If a participating allottee has not made his selection within ten (10) days after the time set for the final selection, the Secretary shall make a selection for him. The period of time allowed for making selections are maximum periods. The Secretary and the participating allottees concerned may by mutual consent proceed in the established order with the selection of lands without awaiting the time set for the selection.

(d) If a participating allottee dies subsequent to September 21, 1959, the selection of his equalization allotment shall be made by the heirs, or, in the case of unprobated estates, by the presumptive heirs of the estate. If they cannot agree within the time allowed by this regulation, the selection shall be made by the Secretary.

(e) Selections shall be made on forms approved by the Secretary. The selection of an allotment pursuant to this regulation shall not create a vested right in the land until all selections authorized by this regulation have been made, included in one schedule and approved by the Secretary, and the selection form will so provide.

§ 124.8 Schedule of allotments.

Upon completion of the allotment selections, a certified allotment schedule in two parts, designated A and B, containing the names, legal descriptions of the selections and their allotment numbers, and other pertinent information, shall be prepared and submitted for approval to the Secretary. Part A of the schedule shall contain all selections except those situated within the Palm Springs municipal airport in sec. 18, T. 4 S., R. 5 E., and sec. 12, T. 4 S., R. 4 E., San Bernardino meridian, California. Part B of the schedule shall contain the selections made within the Palm Springs municipal airport. Upon approval of the schedule, trust patents shall be issued for the allotment selections described in Part A thereof. As to the selections in Part B of the schedule, if the sale to the City of Palm Springs is consummated, the proceeds shall be divided as provided in § 124.4 of this part; if the sale is not consummated, trust patents shall be issued for such allotment selections.

§ 124.9 Disposition of income from Parcel B, Spa Lease.

Any net rents, profits, and other revenues derived from that portion of the Mineral Springs tribal reserve as provided for in § 124.3 of this part, which is designated as Parcel B in the supplement dated September 8, 1958, to the

lease by and between the Agua Caliente Band of Mission Indians and Palm Springs Spa, or the net income derived from the investment of such net rents, profits, and other revenues from the sale of said lands or assets purchased from the net rents, profits, and other revenues aforesaid or the net income from the investment thereof, shall be deposited in the Treasury of the United States in a special account. Such fund may be used for the payment of administrative expenses of the Band. However, such fund may be distributed only to those enrolled members who are entitled to an equalization allotment or to a cash payment in satisfaction thereof under the Act of September 21, 1959 (73 Stat. 602), or in the case of such a member who dies after that date, to those entitled to participate in his estate. Such distribution shall be per capita to living enrolled members and per stirpes to participants in the estate of a deceased member.

[F.R. Doc. 60-1885; Filed, Mar. 1, 1960; 8:48 a.m.]

Title 26—INTERNAL REVENUE, 1954

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 6455]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DE- CEMBER 31, 1953

Miscellaneous Amendments Relating to Filing of Income Tax Returns on Form 1040W, and to Other Matters

In order to make provisions in the Income Tax Regulations (26 CFR Part 1) for the use of Form 1040W, and to make certain other changes, such regulations are amended as follows:

PARAGRAPH 1. Paragraph (a) of § 1.4-2 is amended to read as follows:

§ 1.4-2 Elections.

(a) *Making of election.* The election to pay the optional tax imposed under section 3 shall be made by (1) filing a return (whether a separate return or a joint return) on Form 1040A, or (2) filing a return (whether a separate return or a joint return) on Form 1040 or Form 1040W and electing in such return, in accordance with the provisions of section 144 and the regulations thereunder, to take the standard deduction provided by section 141.

PAR. 2. Paragraphs (a) and (b) of § 1.142-1 are amended to read as follows:

§ 1.142-1 Husband and wife.

(a) In the case of husband and wife, if the tax of one spouse is determined under section 1 or 1201 on the basis of the taxable income computed without regard to the standard deduction, the other spouse may not elect to take the standard deduction. If a joint return is filed and election made thereon to take

the standard deduction, such deduction shall, subject to the limitations of section 141 and the regulations thereunder, be determined by reference to the aggregate adjusted gross income of both spouses. The filing of either a separate or joint return on Form 1040A constitutes an election to take the standard deduction and, if the adjusted gross income shown on the return is less than \$5,000, an election to pay the optional tax imposed by section 3. See the regulations under section 4 for rules relating to elections to pay the optional tax imposed by section 3.

(b) If each spouse files a separate individual income tax return (Form 1040, 1040A, or 1040W), both spouses must elect to take the standard deduction or both spouses are denied the standard deduction. Thus, if one spouse files a return on Form 1040 or Form 1040W and does not elect to take the standard deduction, the other spouse may not elect to take the standard deduction and, hence, may not file a return on Form 1040A. For example, if A and his wife B have adjusted gross incomes of \$6,000 and \$3,500, respectively, from wages subject to withholding and A files a return on Form 1040 or Form 1040W and does not elect thereon to take the standard deduction, B may not file her return on Form 1040A, but must file on Form 1040 or Form 1040W and compute her tax without regard to the standard deduction. In such case, however, if both elect to take the standard deduction, either taxpayer may file on Form 1040, 1040A, or 1040W, but B's tax must be computed on the basis of the taxable income in section 3.

PAR. 3. Section 1.144-1 is amended to read as follows:

§ 1.144-1 Manner and effect of election to take the standard deduction.

The following rules are prescribed with respect to the manner of signifying an election by a taxpayer to take the standard deduction:

(a) In the case of a taxpayer whose adjusted gross income for the taxable year for which a return is required or permitted to be filed on Form 1040 or Form 1040W is \$5,000 or more, the standard deduction shall be allowed to him if he elects on such return to take such deduction. Such taxpayer shall signify on his return his election to take the standard deduction by claiming thereon the deduction in the amount provided for in section 141 instead of itemizing the deductions (other than those specified in sections 62 and 151) allowable in computing taxable income. A taxpayer shall have signified his election to take the standard deduction if his return is filed on Form 1040A. If in any case the adjusted gross income shown on the return of the taxpayer is \$5,000 or more, but the correct adjusted gross income is less than \$5,000, then:

(1) If the taxpayer has elected on his return to take the standard deduction, he shall be deemed to have elected to pay the tax imposed by section 3; and

(2) If the taxpayer has not elected to take the standard deduction, he shall be

deemed not to have elected to pay the tax imposed by section 3.

(b) In the case of a taxpayer whose adjusted gross income for the taxable year for which a return is required or permitted to be filed on Form 1040 or Form 1040W is less than \$5,000, the standard deduction shall be allowed to him only if he elects, in accordance with the regulations under section 4, to pay the optional tax imposed by section 3. The filing of such return on Form 1040A constitutes an election by the taxpayer to pay the tax imposed by section 3. In any case, however, in which adjusted gross income shown on the return is less than \$5,000, but the correct adjusted gross income is in fact \$5,000 or more, then:

(1) If the taxpayer has elected to pay the tax imposed by section 3, he shall be deemed to have elected to take the standard deduction; and

(2) If the taxpayer has not elected to pay the tax imposed by section 3, he shall be deemed not to have elected to take the standard deduction.

(c) In the case of a husband and wife (whether separate or joint returns are filed), the election to take the standard deduction and the manner of signifying such election shall, to the extent not limited by section 142 and the regulations thereunder, be made in accordance with the rules provided in paragraphs (a) and (b) of this section.

PAR. 4. Paragraph (a) of § 1.6012-1 is amended by revising subparagraph (6), revising subdivision (ii) (b) and deleting subdivisions (vii) and (viii) of subparagraph (7), and adding subparagraphs (8), (9), and (10). These amended provisions read as follows:

§ 1.6012-1 Individuals required to make returns of income.

(a) *Individual citizen or resident.*

* * *

(6) *Form of return.* Form 1040 is prescribed for general use in making the return required under this paragraph. Form 1040A and Form 1040W are optional short forms which, in accordance with subparagraphs (7) and (8), respectively, of this paragraph, may be used by certain taxpayers. A taxpayer entitled to use Form 1040W in making his return for a taxable year may nevertheless use Form 1040 as his return for such year. A taxpayer otherwise entitled to use Form 1040A as his return for any taxable year may not make his return on such form if he elects not to take the standard deduction provided in section 141, and in such case he must make his return on Form 1040 or Form 1040W. However, a taxpayer entitled under section 6014 and § 1.6014-1 to elect not to show the tax on his return must, if he desires to exercise such election, make his return on Form 1040A.

(7) *Use of Form 1040A by certain taxpayers with gross income less than \$10,000.* * * *

(ii) *Restrictions on use of Form 1040A.* * * *

(b) Whose spouse makes a separate return on Form 1040 or Form 1040W and elects to itemize deductions;

* * *

(vii) [Deleted.]

(viii) [Deleted.]

(8) *Use of Form 1040W by certain taxpayers irrespective of amount of gross income.* In accordance with Form 1040W and the instructions provided with respect to such form, an individual may use Form 1040W as his return for any taxable year beginning after December 31, 1958, in which the gross income of the individual, regardless of the amount thereof—

(i) Consists entirely of remuneration for personal services performed as an employee (whether or not such remuneration constitutes wages as defined in section 3401(a)), dividends, or interest, and

(ii) Does not include more than \$200 from dividends and interest.

For purposes of determining whether gross income from dividends and interest exceeds \$200, dividends from domestic corporations are taken into account to the extent that they are includible in gross income.

(9) *Change of election to use Form 1040A or Form 1040W.* A taxpayer who has elected to make his return on Form 1040A or Form 1040W may change such election. Such change of election shall be within the time and subject to the conditions prescribed in section 144(b) and § 1.144-2, relating to change of election to take, or not to take, the standard deduction.

(10) *Joint return of husband and wife on Form 1040A or Form 1040W.* A husband and wife, eligible under section 6013 and the regulations thereunder to file a joint return for the taxable year, may, subject to the provisions of subparagraphs (7) and (8) of this paragraph, make a joint return—

(i) On Form 1040A for any such year in which the aggregate gross income of the spouses is less than \$10,000, consists entirely of remuneration for services performed as an employee, dividends, or interest, and does not include more than \$200 from dividends, interest, and remuneration other than wages as defined in section 3401(a); or

(ii) On Form 1040W for any such taxable year beginning after December 31, 1958, in which the aggregate gross income of the spouses (regardless of amount) consists entirely of remuneration for personal services performed as an employee (whether or not such remuneration constitutes wages as defined in section 3401(a)), dividends, or interest, and does not include more than \$200 from dividends and interest.

For purposes of determining whether gross income from sources to which the \$200 limitation applies exceeds such amount in cases where both spouses receive dividends from domestic corporations, the amount of such dividends received by each spouse is taken into account to the extent that such dividends are includible in gross income. See section 116 and §§ 1.116-1 and 1.116-2. If a joint return is made by husband and wife on Form 1040A or Form 1040W, the liability for the tax shall be joint and several.

PAR. 5. Paragraph (c) (1) of § 1.6014-1 is amended to read as follows:

§ 1.6014-1 Tax not computed by taxpayer with gross income less than \$5,000.

(c) *Joint return.* (1) A husband and wife who, pursuant to subparagraphs (7) and (10) of § 1.6012-1(a), file a joint return on Form 1040A may elect not to show the tax on such return if their aggregate gross income for the taxable year is less than \$5,000.

PAR. 6. Immediately after § 1.6035-3 the following new sections are inserted:

§ 1.6036 Statutory provisions; notice of qualification as executor or receiver.

SEC. 6036. *Notice of qualification as executor or receiver.* Every receiver, trustee in bankruptcy, assignee for benefit of creditors, or other like fiduciary, and every executor (as defined in section 2203), shall give notice of his qualification as such to the Secretary or his delegate in such manner and at such time as may be required by regulations of the Secretary or his delegate. The Secretary or his delegate may by regulation provide such exemptions from the requirements of this section as the Secretary or his delegate deems proper.

§ 1.6036-1 Notice of qualification as executor or receiver.

For provisions relating to the notice required of fiduciaries, see the regulations under section 6036 contained in Part 301 of this chapter (regulations on Procedure and Administration).

PAR. 7. Paragraph (d) of § 1.6062-1 is amended to read as follows:

§ 1.6062-1 Signing of returns, statements, and other documents made by corporations.

(d) *Related provisions.* For the rules relating to the verification of returns, see § 1.6065-1.

PAR. 8. Immediately after § 1.6164-9 the following new sections are inserted:

§ 1.6165 Statutory provisions; bonds where time to pay tax or deficiency has been extended.

SEC. 6165. *Bonds where time to pay tax or deficiency has been extended.* In the event the Secretary or his delegate grants any extension of time within which to pay any tax or any deficiency therein, the Secretary or his delegate may require the taxpayer to furnish a bond in such amount (not exceeding double the amount with respect to which the extension is granted) conditioned upon the payment of the amount extended in accordance with the terms of such extension.

§ 1.6165-1 Bonds where time to pay the tax or deficiency has been extended.

The district director, including the Director, International Operations Division, may, as a condition to the granting of an extension of time within which to pay any tax or any deficiency therein, require the taxpayer to furnish a bond in an amount not exceeding double the amount of the tax with respect to which the extension is granted. Such bond shall be furnished in accordance with the provisions contained in section 7101 and the regulations thereunder.

Because this Treasury decision makes only technical and procedural changes,

it is hereby found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitations of section 4(c) of that Act.

(Sec. 7805, Internal Revenue Code of 1954; 68A Stat. 917; 26 U.S.C. 7805)

[SEAL]

CHARLES I. FOX,
Acting Commissioner
of Internal Revenue.

Approved: February 25, 1960.

FRED C. SRIENER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 60-1891; Filed, Mar. 1, 1960;
8:49 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 12911; FCC 60-184]

PART 16—LAND TRANSPORTATION RADIO SERVICES

Use of Mobile Stations as Repeater Stations, in the Railroad Radio Service, and Placing Mobile Relay Stations on a Regular Rather Than Developmental Basis

1. On June 19, 1959, the Commission released a Notice of Proposed Rule Making in the above-entitled matter which was published in the FEDERAL REGISTER of June 25, 1959 (24 F.R. 5190). In that Notice the Commission proposed to amend its rules governing the Railroad Radio Services to provide that a mobile station licensed in that service may be authorized, upon request to the Commission, to act as an automatic (mobile) repeater for the direct retransmission of the signals of associated low-power hand-carried or pack-carried transmitters, in order to extend the range of mobile-to-mobile or mobile-to-base communications beyond that normally possible by such hand-carried or pack-carried units. In addition, the Commission proposed to remove the existing "developmental" limitation on the operation of mobile relay stations in the Railroad Radio Service, on the basis that such limitation no longer appeared necessary.

2. The time allowed for the submission of both original and reply comments has now expired. Comments were received from the General Electric Company (GE), the Association of American Railroads (AAR), and Motorola, Inc. No reply comments were received. In general, all comments supported the basic proposals of the Commission, but suggested additions to or modifications thereof.

3. The comment of Motorola, Inc., is confined to the proposed regulations governing the use of a mobile station as a repeater station. First, on the basis of the operating power of existing hand-carried or pack-carried units in use by stations in the Railroad Radio Service, a power output of five watts from the

transmitter is recommended, in lieu of the proposed three-watt limit on power input. This increase (approximately 7 db) is also recommended to offset the receiver desensitization at the mobile repeater station due to the small frequency separation available in the 160 Mc band between receiving and transmitting frequencies. The Commission concurs with the reasoning of Motorola in this regard, and is amending its proposal, as adopted herewith, to specify that the direct current input power to the vacuum tube anode or equivalent circuit of the final radio frequency stage of the transmitters of the hand-carried or pack-carried units may not exceed 10 watts. The specification of the power limitation in terms of input rather than output is roughly equivalent to that proposed by Motorola, and is consistent with other specifications of power limitations in the Safety and Special Radio Services of the Commission.

4. Other comments of Motorola recommend modification of the proposed requirements that a mobile repeater station be so designed and installed that it will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals. Upon consideration of that comment and other comments by GE and the AAR, the Commission concludes that the limitation which permits control signals only on frequencies above 150 Mc provides adequate protection against activation by undesired signals and that in any case it is the responsibility of the licensee and also necessary for satisfactory operation and use of a mobile repeater station to prevent such undesired activation by whatever means may be found necessary in a particular case. Accordingly, the rules adopted herewith simply provide that each mobile repeater station shall be so designed and installed that, except when operating as a conventional mobile station it will be activated only by means of desired signals of stations operating on frequencies above 150 Mc and will be deactivated upon the cessation of such desired signals.

5. The comments of GE and the AAR which have bearing on the proposed use of a mobile station as a repeater station, in addition to those noted above, concern themselves primarily with the proposed restriction that such mobile repeater stations be permitted only to repeat the signals of hand-carried or pack-carried units. In both comments, for different reasons, it is argued that authorization for the mobile repeater station to retransmit signals addressed to the hand-carried or pack-carried units is essential. The Commission is persuaded that there is merit in the suggestion of GE and the AAR in this matter in that otherwise such units may not be able to receive signals addressed to them. Accordingly, the Commission has modified its proposal so as to provide, in the rules adopted herewith, that a mobile repeater station may transmit to its associated hand-carried or pack-carried units but that its input power when transmitting on a frequency exclusively

used for that purpose shall be limited to the power also authorized those associated units; namely, 10 watts.

6. Other comments of GE and AAR addressed themselves to the existing requirements that a mobile relay station be activated only by a coded signal or such other means as will effectively prevent its activation by undesired signals. It was noted, first, that this requirement has invariably been waived when requested by the station licensee on the basis of another provision of same rule, and that such waiver has never resulted in any known case of improper activation of the mobile relay station. Secondly, it was noted that in response to like representation, similar requirements concerning mobile relay stations operated under the provisions of Part 10 of the Commission's rules (Public Safety Radio Services) were eliminated in the Commission's action of July 15, 1959, in Docket No. 12747. After consideration of these and other factors, the Commission concludes that such safeguards against improper activation of mobile relay stations are not necessary if the signals which activate these stations are exclusively limited to frequencies above 50 Mc.

Accordingly, the amendments adopted herewith include additional revisions of the provisions of § 16.355 regarding mobile relay stations so as to accomplish that change. The principal change proposed by the Commission with respect to that type of station is also accomplished, in that the "developmental" classification is no longer applied to mobile relay stations used to extend the range of point-to-mobile communications. The original purpose of that classification; i.e., to gain more information and experience relative to this type of operation, especially since additional frequencies were made available therefor, has now been met and it is found that both this type of operation and the use of additional frequencies in connection therewith are in the public interest.

7. The comment of the AAR further points out (a) that because of the need to separate transmitting and receiving frequencies at a mobile relay station it is frequently impracticable for the mobile relay station and/or its control station to utilize only a frequency already in use in the same area for mobile-to-mobile or point-to-mobile communications, and (b) that the use of a mobile relay station for extended point-to-mobile communications is frequently necessary in "main line" operations in areas not meeting the "hazardous conditions" limitation of the present rules. The Commission is persuaded that the present limitations on the use of mobile service frequencies by mobile relay stations and their control stations in the Railroad Radio Service are no longer necessary, both in view of the frequency coordination procedure followed by the AAR on behalf of all persons eligible in that service and in view of its experience during the period such operation has been classified as "developmental". The recommendation of the AAR in this matter is found reasonable and in the public interest, and is

accepted to the extent provided in the amendments adopted herewith. Accordingly, the provisions which govern the use of mobile relay stations in the Railroad Radio Service which are used exclusively for extended point-to-mobile communications will limit the use of such mobile relay stations to locations outside railroad yard and terminal areas. Although the control stations for such mobile relay stations, in some cases, may be located within the yard and terminal areas, the use of mobile service frequencies by both the mobile relay station and the control station, in each case, will be on a non-interference basis to other stations authorized to use those frequencies in accordance with the Commission's table of frequency allocations. These limitations, plus the fact that the control station may readily use a directional antenna, are expected to be adequate to avoid interference between such use and normal use of the mobile service frequencies which might otherwise occur in those areas where the greatest need will exist for the use of those frequencies in the Railroad Radio Service for other purposes. In turn, this is expected to make possible the selection of a suitable mobile service frequency whenever needed by the mobile relay station or its control station, by a judicious application of the frequency coordination procedure available in this service.

8. The comment of the AAR requested a further clarification of the rules governing the use of mobile relay stations, in that such stations are frequently used for other purposes than point-to-train and train-to-train communications since mobile units other than trains, including vehicles used by supervisory and maintenance personnel are operated on or near the railroad rights-of-way or in the terminal areas and communication with such units is an essential part of the conduct of efficient rail transportation service. Since there was no intent in the present rules to limit either "mainline" or "terminal" communications to direct communication to or between trains, the term "point-to-train" now contained in § 16.355 has been changed to read "point-to-mobile" and other wording of that section has been editorially revised to provide greater clarity.

9. In view of the foregoing, the Commission finds that the public interest, convenience and necessity will be served by the amendments herein ordered. Authority for these amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

10. Accordingly, it is ordered, That, effective April 1, 1960, Part 16, Land Transportation Radio Services, is amended, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 24, 1960.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amendments to Part 16, Land Transportation Radio Services:

1. Section 16.6(b) is amended by redefining the term "Mobile relay station" and by inserting a new definition of the term "Mobile repeater station" in alphabetical sequence, as follows:

§ 16.6 Definition of terms.

(b) Definition of stations. * * *

Mobile relay station. A base station in the mobile service, authorized primarily to retransmit automatically on a mobile service frequency, communications originated either by associated mobile units or by an associated control station. (Authorized in the Railroad Radio Service only.)

Mobile repeater station. A mobile station in the mobile service, authorized to retransmit automatically on a mobile service frequency, communications originated either by associated pack-carried or hand-carried mobile units or by other mobile or base stations directed to such pack-carried or hand-carried units. (Authorized in the Railroad Radio Service only.)

2. Section 16.355 is amended to read as follows:

§ 16.355 Relay and repeater stations.

(a) **General.** Relay and repeater stations are used to provide communications between other radio stations over ranges in excess of the direct communication range of such stations. For the purpose of the rules in this part, there are three types of relay and repeater stations. Mobile relay stations, mobile repeater stations, and fixed relay stations. For definitions, see § 16.6.

(b) **Mobile relay stations.** The conditions governing authorization and operation of this type of relay station are as follows:

(1) Each application for a new mobile relay station authorization shall be accompanied by a showing, satisfactory to the Commission, that the applicant has a substantial requirement for prompt mobile-to-mobile or, outside yard and terminal areas only, extended range point-to-mobile communications over ranges greater than can be realized consistently by direct communication on any mobile service frequency available for assignment to the stations involved. Except for radio systems in yard and terminal areas, range measurements obtained by use of low-power transmitters of the hand-carried or pack-carried type will not be accepted in satisfaction of the applicable requirements of this subparagraph.

(2) A mobile relay station may be authorized to operate on any frequency available for assignment to base stations in this service, subject to the condition that harmful interference shall not be caused to stations of other licensees operating in the mobile service in accordance with the table of frequency

allocations as set forth in Part 2 of this chapter.

(3) Each mobile relay station authorized pursuant to the provisions of this section which is intended to be activated by signals transmitted on a frequency below 50 Mc shall so be designed and installed that: (i) Normally it will be activated only by means of a coded signal or signals or such other means as will effectively prevent its activation by undesired signals; and (ii) it will be deactivated upon receipt or cessation of a coded signal or signals, or shall be provided with an automatic time-delay or clock device which will deactivate the station not more than three minutes after its activation.

(4) In any case where a mobile relay station, not subject to the provisions of subparagraph (3) of this paragraph, is found to be consistently activated by undesired signals and thereby not maintained under the operational control of the licensee, the Commission may require that within 90 days the station be provided with the safeguards specified in subparagraph (3) of this paragraph for stations being activated by signals under 50 Mc.

(5) Each mobile relay station, regardless of the frequency or frequencies of the signals by which it is activated, shall be so designed and installed that it will be deactivated automatically when its associated receiver or receivers are not receiving a signal on the frequency or frequencies which normally activate it.

(6) A control station associated with one or more mobile relay stations, authorized pursuant to this section, may be assigned any frequency available for assignment to operational fixed stations, or may be assigned the mobile service frequency assigned to and used by the associated mobile station. In addition, a control station which is associated with one or more mobile relay stations for the purpose of extended range point-to-mobile communications outside yard and terminal areas, may be assigned any mobile service frequency available for assignment to mobile stations in this service. Use of any mobile service frequency by a control station is subject to the condition that harmful interference shall not be caused to the stations of other licensees operating in the mobile service in accordance with the table of frequency allocations as set forth in Part 2 of this chapter.

(7) Any necessary circuits between mobile relay stations, for the purpose of permitting intercommunication between other stations in their respective communication ranges, shall be provided by means of wire line or by radio stations operating on fixed service frequencies only. No control station operating on a mobile service frequency in accordance with the provisions of subparagraph (6) of this paragraph shall be used for the control of any station other than a mobile relay station.

(8) A base station which is used intermittently as a control station for

one or more associated mobile relay stations of the same licensee will only be authorized to operate on a mobile service frequency which is available for assignment to base stations in the Railroad Radio Service. Special authority for such dual station classification must be shown in the station authorization.

(c) **Mobile repeater stations.** The conditions governing authorization and operation of this type of repeater station are as follows:

(1) Upon proper application, any mobile station in the Railroad Radio Service may be authorized to be operated as a mobile repeater station, subject to the requirement that harmful interference shall not be caused to the stations of any other licensee by the transmissions of the pack-carried or hand-carried transmitters with which it is associated, or by the transmissions of the mobile repeater station which are directed to such pack-carried or hand-carried units.

(2) A mobile repeater station may be used only for the purpose of extending the transmitting and receiving range of pack-carried or hand-carried units of mobile stations. Such pack-carried or hand-carried units shall be operated only on a frequency or frequencies above 150 Mc and the direct current input power to the vacuum tube anode or equivalent circuit of the final radio frequency stage shall not exceed 10 watts. The frequency and maximum power of the pack-carried or hand-carried transmitters which may be associated with a mobile repeater station shall be specified in the station authorization.

(3) The direct current input power to the vacuum tube anode or equivalent circuit of the final radio frequency stage of the transmitter of a mobile repeater station, when transmitting as a repeater station on the frequency used for communication with its associated pack-carried or hand-carried units, shall not exceed 10 watts except when the same frequency is also used by the same station for direct communication with vehicular mobile units or with one or more base stations.

(4) Each mobile repeater station shall be so designed and installed that, except when operating as a conventional mobile station, it will normally be activated only by means of desired signals of stations operating on frequencies above 150 Mc and will be deactivated upon the cessation of such desired signals.

(5) A mobile repeater station may be authorized to be operated on any mobile service frequency available for assignment to stations of the mobile service system in which it is operated, including any "base only" frequency in the 450-470 Mc range.

(d) **Fixed relay stations.** Fixed relay stations will be authorized to operate only on frequencies available for use by operational fixed stations.

[F.R. Doc. 60-1910; Filed, Mar. 1, 1960; 8:51 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Act

[Ex Parte No. 216]

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 145—PASSENGER SERVICE SCHEDULES

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

PART 186—PASSENGER AND EXPRESS TARIFFS AND SCHEDULES

Posting of Notice of Increased Suburban Fares

At a general session of the Interstate Commerce Commission held in its office

No. 42—4

in Washington, D.C., on the 17th day of February A.D. 1960.

Upon consideration of the record in the above-entitled proceeding, petitions by the eastern railroads and the National Bus Traffic Association, Inc., filed December 1, 1959, and December 24, 1959, respectively, for reconsideration and modification of the orders of the Commission, Division 2, entered September 15, 1959 (including Supplement No. 1 to Tariff Circular 24 and Supplement No. 3 to Tariff Circular MP No. 3):

It is ordered, That the said petitions be, and they are hereby, denied, for the reason that the orders, and the rules promulgated thereby, are fully warranted, and the matters submitted in support of the petitions do not present

substantial and material grounds for modification as requested.

It is further ordered, That the said orders entered in this proceeding on September 15, 1959, which orders, pursuant to section 17(8) of the Interstate Commerce Act, were stayed pending disposition of the petitions, be, and they are hereby, reinstated and modified so as to become effective on April 1, 1960, without change in the requirements of said orders.

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 60-1889; Filed, Mar. 1, 1960; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 902]

[Docket No. AO-293-A2]

MILK IN THE WASHINGTON, D.C., MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Excep- tions To Proposed Amendments to Tentative Marketing Agreement and to Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, and order regulating the handling of milk in the Washington, D.C., marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., not later than the close of business the 3d day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, were formulated, was conducted at Washington, D.C., on February 8, 1960, pursuant to notice thereof which was issued January 27, 1960 (25 F.R. 805).

The material issues on the record of the hearing relate to:

1. The definition of "dairy farmer for other markets".
2. Location differential adjustment to handlers.
3. Accounting for milk received from farmers in bulk tank trucks.
4. Date of announcement of uniform price and dates on which payments to and from the producer settlement fund are made.

Findings and conclusions. The findings and conclusions relative to issues 2, 3 and 4 are reserved for a later decision pending further study of the hearing record. The following findings and conclusions on the "dairy farmer for other markets" definition are based on evidence presented at the hearing and the record thereof:

1. The "dairy farmer for other markets" provision should be amended so that it does not deny producer status to

a dairy farmer delivering milk to a handler's pool plant during the March through September period because such dairy farmer's milk was received as ungraded milk for manufacturing purposes during part of the preceding October through February period at an unregulated plant affiliated with the same handler.

The part of the definition upon which the issue was made at the hearing (§ 902.14(a)) provides that producer status shall not be accorded in any of the months of March through September to any dairy farmer producing milk received by a handler at a pool plant from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months of October through February.

The Valley of Virginia Cooperative Milk Producers Association operates a plant at Harrisonburg, Virginia, not regulated under the Washington order, at which milk is received from dairy farmers for fluid and manufacturing uses. This cooperative also operates a plant fully regulated as a pool plant under the Washington order. At its regulated plant the association receives milk from its own members and also from producers who are members of another cooperative association. At various times since October 1, 1959, some members of the Valley of Virginia Association who had previously shipped ungraded milk to its unregulated plant at Harrisonburg for manufacturing uses, converted to the production of milk approved for fluid consumption. At the time of the hearing, five members whose milk was being received at the association's Washington regulated plant had been producing ungraded milk for use in the manufacturing operation at the Harrisonburg plant prior to beginning deliveries at the Washington plant. Under the terms of the order, the milk from these farmers cannot be received as producer milk at the association's pool plant during the March-September period of 1960. The association asked that the order be modified so that such farmers could qualify as producers at their pool plant during the March-September period.

The particular situation under which the complaint arises did not exist at the time of the promulgation hearing, inasmuch as the pool plant was purchased by the association after the hearing.

The purpose of this provision (§ 902.14(a)) is to prevent a handler from pooling seasonally, in the months of March through September, milk which represents surplus of another market which the handler supplies from nonpool sources. If handlers were permitted to carry on this type of operation, it would burden the Washington market with the surplus of unregulated markets without

a corresponding share of the Class I sales.

A dairy farmer who has previously produced only ungraded milk for manufacturing uses and becomes newly qualified for supplying milk to a fluid market at the time when he begins deliveries to a pool plant would not represent a supply previously associated with another fluid market and therefore would not fall within the category to which the provision is intended to apply. It is concluded, therefore, that the "dairy farmer for other markets" definition should not apply to such dairy farmer.

The effect of the proposed amendment would depend on the condition that deliveries by the dairy farmer in the previous October-February period to the handler's nonpool plant were neither approved for fluid disposition by a health authority nor used for fluid disposition. This raises the administrative problem of ascertaining whether such condition in fact existed. Although the proponent testified that the Virginia State Department of Agriculture can provide information as to the first date of approval of any dairy farmer for production of milk for fluid use in the state, the proponent was not able to testify as to whether similar information existed or would be available for farmers located in other parts of production area or supplying markets not under the jurisdiction of the State of Virginia. Furthermore, besides approvals which may be given by various states, county, or municipal health agencies, approvals may be given by the United States Government or its agencies, including the armed services, with respect to milk purchased by such agencies. Disposition to such Federal installation would constitute disposal to a fluid market. In view of the administrative difficulty which would otherwise be placed on the market administrator to determine the existence of any prior qualification of a dairy farmer for a fluid market, or absence of approval, it is necessary that the amendment contemplated make it incumbent upon the handler to show for any producer from whom he received milk as non-producer milk during the preceding October-February period that such milk was not, in fact, approved by any duly constituted health authority or used for fluid disposition including disposition to agencies of the United States Government.

Emergency action to amend the order in the manner proposed was requested by the proponent association. The proponent did not show that an adequate supply for the market or for its plant would in any way be endangered by failure to adopt the proposed amendment, nor was there any showing of inadequate notice of the effect of the subject provision. The record does not show a need for emergency action and accordingly the request is denied.

There were no briefs and proposed findings and conclusions filed by interested parties on the above issue within the time allowed therefor by the Presiding Officer.

General Findings. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order amending the order. The following order amending the order regulating the handling of milk in the Washington, D.C., marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended:

Delete § 902.14(a) and substitute therefor the following:

(a) Any dairy farmer whose milk is received by a handler at a pool plant during the months of March through September from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during any of the preceding months of October through February, unless the handler proves to the market administrator that all of his receipts of milk from such dairy farm as other than producer milk during the preceding October through February period were neither approved for fluid disposition by a duly constituted health authority nor were disposed of for fluid consumption (including disposition to an agency of the United States Government

for fluid consumption in its institutions or bases).

Issued at Washington, D.C., this 26th day of February 1960.

ROY W. LENNARTSON,
Deputy Administrator.

[F.R. Doc. 60-1882; Filed, Mar. 1, 1960;
8:47 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 507]

[Reg. Docket No. 289]

AIRWORTHINESS DIRECTIVES

Notice of Proposed Rule Making

Pursuant to the authority delegated to me by the Administrator, (§ 405.27, 24 F.R. 2196), notice is hereby given that the Federal Aviation Agency has under consideration a proposal to amend Part 507 of the Regulations of the Administrator to include an airworthiness directive requiring replacement of nose gear bolts on certain Forney (Erco) aircraft.

Interested persons may participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should be submitted in duplicate to the Docket Section, of the Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. All communications received on or before April 4, 1960, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in light of comments received. All comments submitted will be available, in the Docket Section, for examination by interested persons when the prescribed date for return of comments has expired. This proposal will not be given further distribution as a draft release.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 507.10(a) (14 CFR Part 507), by adding the following airworthiness directive:

FORNEY. Applies to Model Erco 415 Series and Aircoupe F-1 Serial Numbers 1 through 5678 incorporating electrol nose gear with aluminum scissors.

Compliance required not later than July 1, 1960.

Bolts used to attach the forged aluminum scissors to the electrol nose gear were found to be brittle. To preclude failure of these bolts and the danger of the nose wheel turning crosswise during landing, the following shall be accomplished:

Replace bolts, P/N 415-34330, with AN 5-26 bolts, AN 960 washers (two per bolt) and AN 310-5 nuts. The tightened nut must not cause binding.

(Forney Service Bulletin No. 103 covers this same subject.)

Issued in Washington, D.C., on February 24, 1960.

OSCAR BAKKE,
Director, Bureau of
Flight Standards.

[F.R. Doc. 60-1859; Filed, Mar. 1, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-WA-4]

FEDERAL AIRWAY AND CONTROL AREAS

Withdrawal of Proposal To Revoke Federal Airway Associated Control Areas and Designated Reporting Points

In a Notice of Proposed Rule Making published in the FEDERAL REGISTER as Airspace Docket No. 59-WA-4 on November 10, 1959 (24 F.R. 9167), it was proposed to revoke the segment of Green Federal airway No. 2 between Seattle, Wash., and Detroit, Mich., its associated control areas and designated reporting points, and modify the Moses Lake, Wash., and La Crosse, Wis., control area extensions. Due to the comments received in response to the Notice of Proposed Rule Making, the Notice is being withdrawn and further evaluation will be given this matter.

In consideration of the foregoing, the Notice of Proposed Rule Making contained in Airspace Docket No. 59-WA-4 is hereby withdrawn.

Sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on February 25, 1960.

D. D. THOMAS,
Director, Bureau of
Air Traffic Management.

[F.R. Doc. 60-1860; Filed, Mar. 1, 1960;
8:45 a.m.]

[14 CFR Parts 600, 601]

[Airspace Docket No. 59-KC-88]

FEDERAL AIRWAYS AND CONTROL AREAS

Revocation of Segment

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to §§ 600.6089 and 601.6089 of the regulations of the Administrator, the substance of which is stated below.

VOR Federal airway No. 89 presently extends, in part, from Chadron, Nebr., to Rapid City, S. Dak., including an east alternate. The Federal Aviation Agency has under consideration the revocation of this segment of Victor 89 including the east alternate. The Federal Aviation Agency IFR peak-day survey for the period July 1, 1958, to June 30, 1959, shows less than 10 aircraft movements on this airway segment. On the basis of this survey it appears that the retention of this segment of Victor 89, including its east alternate, is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. In addition, Victor 89 and 89 east is an unnecessary duplication of airways between Chadron and Rapid City since VOR Federal airway No. 169, including its east alternate, is presently designated between these terminals.

If this action is taken, the segment of VOR Federal airway No. 89, including its

east alternate, with associated control areas from Chadron, Nebr., to Rapid City, S. Dak., would be revoked.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Fed-

eral Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on February 24, 1960.

D. D. THOMAS,
*Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-1861; Filed, Mar. 1, 1960;
8:45 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 59-WA-102]

CONTROL ZONES

Designation of Control Zone

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3499), notice is hereby given that the Federal Aviation Agency is considering an amendment to Part 601 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration the designation of a control zone at Marquette, Mich., to provide protection for aircraft conducting instrument approaches to and departing from the Marquette County Airport. The control zone would be designated within a 5-mile radius of the Marquette County Airport.

If this action is taken, the Marquette, Mich., control zone would be designated within a 5-mile radius of the Marquette County Airport, Marquette, Mich.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air

Traffic Management Division, Federal Aviation Agency, 4825 Troost Avenue, Kansas City 10, Mo. All communications received within forty-five days after publication of this notice in the *FEDERAL REGISTER* will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Management Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Management Division Chief.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

Issued in Washington, D.C., on February 25, 1960.

D. D. THOMAS,
*Director, Bureau of
Air Traffic Management.*

[F.R. Doc. 60-1862; Filed, Mar. 1, 1960;
8:45 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 55060]

FISH

Tariff-Rate Quota

FEBRUARY 25, 1960.

In accordance with the proviso to item 717(b) of Part I, Schedule XX, of the General Agreement on Tariffs and Trade (T.D. 51802), it has been ascertained that the average aggregate apparent annual consumption in the United States of fish, fresh or frozen (whether or not packed in ice), filleted, skinned, boned, sliced, or divided into portions, not especially provided for: cod, haddock, hake, pollock, cusk, and rosefish, in the three years preceding 1960, calculated in the manner provided for in the cited agreement, was 243,554,489 pounds. The quantity of such fish that may be imported for consumption during the calendar year 1960 at the reduced rate of duty established pursuant to that agreement is, therefore, 36,533,173 pounds.

[SEAL]

D. B. STRUBINGER,

Acting Commissioner of Customs.

[F.R. Doc. 60-1894; Filed, Mar. 1, 1960; 8:50 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Notice 9]

ALASKA

Notice of Filing of Alaska Protraction Diagram Anchorage Land District

FEBRUARY 24, 1960.

Notice is hereby given that effective with this publication, the following protraction diagrams are officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska. In accordance with 43 CFR 192.42a(c), (24 F.R. 4140, May 22, 1959), these protractions will become the basic record for the description of oil and gas lease offers filed at and subsequent to 10:00 a.m. on the thirty-first day after the publication of this notice.

Alaska Protraction Diagram (Unsurveyed):
S 21-10, Ts. 25 to 28 S., Rs. 49 to 52 W., Seward Meridian.
S 21-11, Ts. 30 to 32 S., Rs. 53 to 54 W., Seward Meridian.
S 21-12, Ts. 29 to 32 S., Rs. 49 to 52 W., Seward Meridian.
S 22-9, Ts. 25 to 27 S., Rs. 33 to 36 W., Seward Meridian.
S 22-10, Ts. 25 to 28 S., Rs. 37 to 40 W., Seward Meridian.
S 22-11, Ts. 25 to 28 S., Rs. 41 to 44 W., Seward Meridian.
S 22-12, Ts. 25 to 28 S., Rs. 45 to 48 W., Seward Meridian.
S 22-13, Ts. 29 to 32 S., Rs. 45 to 48 W., Seward Meridian.

S 22-14, Ts. 29 to 32 S., Rs. 41 to 44 W., Seward Meridian.

S 22-15, Ts. 29 to 30 S., Rs. 38 to 40 W., Seward Meridian.

Copies of these diagrams are for sale at one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address: 334 East Fifth Avenue, Anchorage, Alaska.

IRVING W. ANDERSON,

Manager,

Anchorage Land Office.

[F.R. Doc. 60-1872; Filed, Mar. 1, 1960; 8:46 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 10369]

SARASOTA-BRADENTON INVESTIGATION

Notice of Prehearing Conference

In the matter of the application of Sarasota-Bradenton for additional service. See Order E-14948.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on March 10, 1960, at 10:00 a.m., e.s.t., in Room 725, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before Examiner James S. Keith.

Dated at Washington, D.C., February 26, 1960.

[SEAL]

FRANCIS W. BROWN,

Chief Examiner.

[F.R. Doc. 60-1913; Filed, Mar. 1, 1960; 8:52 a.m.]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Wildlife Order 56]

PORTION OF THE SOUTHWESTERN PROVING GROUNDS (D-ARK-409A)

Transfer of Properties

Pursuant to the authority granted under Public Law 537, approved May 19, 1948, Eightieth Congress (16 U.S.C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated January 18, 1960, a portion of that property known as Southwestern Proving Grounds (D-Ark-409A), County of Hempstead, Hope, Arkansas, and more particularly described in said deed, has been transferred from the United States to the State of Arkansas.

2. The above-described property was transferred to the State of Arkansas for wildlife conservation purposes (other than migratory birds) in accordance

with the provisions of said Public Law 537.

Dated: February 24, 1960.

KARL E. WALLACE,

Commissioner,

Public Buildings Service.

[F.R. Doc. 60-1896; Filed, Mar. 1, 1960; 8:50 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13381; FCC 60M-359]

AMERICAN TELEPHONE AND TELEGRAPH CO.

Order Setting Prehearing Conference

In the matter of American Telephone and Telegraph Company, Docket No. 13381, regulations and charges for components of a distinctive tone and circuit assurance arrangement.

It is ordered, This 24th day of February 1960, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a prehearing conference pursuant to the provisions of § 1.111 of the Commission's rules, at the offices of the Commission in Washington, D.C., at 9 a.m., March 24, 1960.

Released: February 25, 1960.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

MARY JANE MORRIS,

Secretary.

[F.R. Doc. 60-1901; Filed, Mar. 1, 1960; 8:50 a.m.]

[Docket No. 13413]

HENRY P. GROS

Order To Show Cause

In the matter of Henry P. Gros, 2412 Tupelo, Morgan City, Louisiana, Docket No. 13413; order to show cause why there should not be revoked the license for Radio Station WD-3187 aboard the vessel "Riverside III".

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing that pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows: Official Notice of Violation dated August 24, 1959, alleging that on August 12, 1959, the subject radio station was observed operating in violation of § 8.108 of the Commission's rules, that is, the transmitting equipment was not operated, tuned, and adjusted so that there would be no radiation of emissions outside the authorized frequency band (emission of a harmonic on approximately 5660 Kc. when operating with

type A-3 emission on a frequency of 2830 Kc. observed).

It further appearing that the above-named licensee received said Official notice but did not make satisfactory reply thereto, whereupon the Commission, by letter dated October 19, 1959, and sent by Certified Mail, Return Receipt Requested (No. 212649), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. Henry P. Gros, on October 21, 1959, to a Post Office Department return receipt; and

It further appearing that although more than fifteen days have elapsed since the licensee's receipt of the Commission's letter, no response was made thereto; and

It further appearing that in view of the foregoing, the licensee has repeatedly violated § 1.61 of the Commission's rules;

It is ordered, This 25th day of February, 1960, pursuant to section 312(a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing¹ to

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the said licensee.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1902; Filed, Mar. 1, 1960;
8:50 a.m.]

[Docket No. 12176, etc.]

KTAG ASSOCIATES (KTAG-TV) ET AL.

Correction

In re applications of Charles W. Lamar, Jr., J. Warren Berwick, Harold Knox & R. B. McCall, Jr., d/b as KTAG Associates (KTAG-TV), Lake Charles, Louisiana, Docket No. 12176, File No. BMPCT-4682; for modification of construction permit; Evangeline Broadcasting Company, Inc., Lafayette, Louisiana, Docket No. 12177, File No. BPCT-2335; Acadian Television Corporation, Lafayette, Louisiana, Docket No. 12178, File No. BPCT-2351; for construction permits for new television broadcast stations; Camellia Broadcasting Company, Inc. (KLFY-TV), Lafayette, Louisiana, Docket No. 12436, File No. BMPCT-4711; for modification of construction permit.

The Commission's Memorandum Opinion and Order adopted February 17, 1960 (FCC 60-139), in the above entitled proceeding is corrected as follows:

That portion of the ordering clause which designates and numbers the issues is deleted, and the following clauses are substituted therefor:

It is further ordered, That issues numbered 1, 2 and 3 in the Commission's order released May 19, 1958, are deleted;

It is further ordered, That issues numbered 4, 5 and 6 in the Commission's order released May 19, 1958, are renumbered 2, 3 and 4, respectively;

It is further ordered, That the issue designated in the Commission's order released March 4, 1959, is numbered issue number 1.

Released: February 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1904; Filed, Mar. 1, 1960;
8:51 a.m.]

[Docket No. 13411]

KERSEY TAXI, INC.

Order To Show Cause

In the matter of Kersey Taxi, Inc., 916 Eldridge Street, Clearwater, Florida, Docket No. 13411, order to show cause why there should not be revoked the license for Taxicab Radio Station KIB-654.

There being under consideration certain allegedly false statements in the applications for the license for the captioned radio station and certain alleged

violations of the Communications Act of 1934, as amended, and the Commission's rules in connection with the operation of such station;

It appearing that on March 13, 1958, Kersey Taxi, Inc., filed an application with the Commission for authorization for the operation of a radio station in the Taxicab Radio Service in which application it was represented that more than one-fifth of the capital stock of the corporation was neither owned of record or able to be voted by aliens; and

It further appearing that at the time such application was submitted, two-fifths of the capital stock of the applicant was owned by George Kersey and Pauline Kersey, both of whom are, and were then, aliens; and

It further appearing that on March 16, 1959, Kersey Taxi, Inc., filed an application with the Commission for authorization for the operation of a radio station in the Taxicab Radio Service in which application it was represented that the property upon which the station would be located was leased; and

It further appearing that at the time such application was submitted, and at all times since, to and including January 5, 1960, the premises upon which Taxicab Radio Station KIB-654 was located were owned by George Kersey and Pauline Kersey and not leased by Kersey Taxi, Inc.; and

It further appearing that by letter dated December 22, 1959, the Commission, pursuant to section 308(b) of the Communications Act of 1934, as amended, requested that Kersey Taxi, Inc., through its attorney, Leon Whitehurst, Jr., furnish information concerning the identities of the persons operating Radio Station KIB-654 between March 27, 1959, and December 29, 1959, the operator license numbers of such persons, and the dates during which each such person was employed, and particularly requested Kersey Taxi, Inc., to furnish the name and address of each operator of Taxicab Radio Station KIB-654 between September 1, 1959, and September 21, 1959; and

It further appearing that by letter dated February 5, 1960, Kersey Taxi, Inc., replied to the Commission's letter of December 22, 1959, but failed to furnish the names of George and Pauline Kersey as operators of Taxicab Radio Station KIB-654 and failed to furnish the dates on which the said George and Pauline Kersey operated such station; and

It further appearing that at various times between September 1, 1959, and September 23, 1959, and particularly on September 22, 1959, Taxicab Radio Station KIB-654 was operated by persons who did not hold an operator's license issued by the Commission, to wit: George and Pauline Kersey, in violation of § 16.154(e) (1) of the Commission's rules; and

It further appearing that at various times between September 1, 1959, and September 22, 1959, and particularly on September 22, 1959, the licensee named herein failed to maintain a record of the name or names of persons responsible for the operation of the transmitting

equipment each day, together with the period of their duty, in violation of § 16.160(c) of the Commission's rules; and

It further appearing that in view of the foregoing, Kersey Taxi, Inc., made false statements knowingly in its application for Taxicab Radio Station KIB-654 and in a statement of fact required pursuant to section 308(b) of the Communications Act of 1934, as amended; and

It further appearing that in view of the foregoing, conditions have come to the attention of the Commission which would have warranted it in refusing to grant a license on an original application; and

It further appearing that in view of the foregoing, Kersey Taxi, Inc., willfully violated section 308(b) of the Communications Act of 1934, as amended, and §§ 16.154(e) (1) and 16.160(c) of the Commission's rules; and

It further appearing that in view of the foregoing, Kersey Taxi, Inc., willfully failed to observe the provisions of sections 310(a) and 318 of the Communications Act of 1934, as amended;

It is ordered, This 24th day of February, 1960, pursuant to section 312(a) (1) (2) and (4) and (c) of the Communications Act of 1934, as amended, and § 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that Kersey Taxi, Inc., show cause why the license for Taxicab Radio Station KIB-654 should not be revoked, and appear and give evidence in respect thereto at a hearing¹ to be held at a time and place to be specified by subsequent Order; and

It is further ordered, That the Secretary send a copy of this Order by Certi-

¹Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. In the event it would not be possible for respondent to appear for hearing in the proceeding if scheduled to be held in Washington, D.C., he should advise the Commission of the reasons for such inability within five days of the receipt of this order. If the licensee fails to file an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

fied Mail (Air Mail)—Return Receipt Requested to the said Kersey Taxi, Inc., 916 Eldridge Street, Clearwater, Florida.

Released: February 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1903; Filed, Mar. 1, 1960;
8:50 a.m.]

[Docket Nos. 12993-12996; FCC 60M-355]

S & W ENTERPRISES ET AL.

Order Continuing Hearing

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, Docket No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils, d/b as Laurel Broadcasting Company, Laurel, Maryland, Docket No. 12996, File No. BP-12841; for construction permits.

On the basis of agreements reached at a pre-hearing conference held today: *It is ordered*, This 24th day of February 1960, that the following changes be made in the schedule of future procedural steps to be taken in this proceeding:

Date for second informal engineering conference extended from February 25, 1960, to March 1, 1960;

Date for final exchange of engineering exhibits extended from March 1, 1960, to March 14, 1960;

Date for further pre-hearing conference extended from March 3, 1960, to 9:30 a.m. March 17, 1960;

Date of hearing extended from March 8, 1960, to March 21, 1960.

Released: February 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1906; Filed, Mar. 1, 1960;
8:51 a.m.]

[Docket No. 13345; FCC 60M-368]

SERVICE BROADCASTING CO.

Order Continuing Hearing

In re application of Service Broadcasting Company, Concord, California, Docket No. 13345, File No. BP-12184, for construction permit.

The Hearing Examiner having under consideration petition for extension of time filed by Service Broadcasting Company on February 24, 1960;

It appearing that counsel for all parties have consented to the extension requested:

It is ordered, This 25th day of February 1960, that the petition is granted; and the dates designated for various procedural steps herein are postponed as follows:

	From	To
Date for exchange of engineering exhibits in draft form.....	Mar 7, 1960	Apr. 1, 1960
Date for final exchange of all exhibits constituting direct case of applicant.....	Apr. 7, 1960	Apr. 22, 1960
Notification of witnesses desired for cross-examination.....	Apr. 21, 1960	Apr. 29, 1960
Hearing date.....	May 2, 1960	May 9, 1960

Released: February 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1907; Filed, Mar. 1, 1960;
8:51 a.m.]

[Docket Nos. 13346, 13347; FCC 60M-361]

DAVID L. KURTZ AND BRANDYWINE BROADCASTING CORP.

Order Scheduling Prehearing Conference

In re applications of David L. Kurtz, Philadelphia, Pennsylvania, Docket No. 13346, File No. BPH-2774; Brandywine Broadcasting Corporation, Media, Pennsylvania, Docket No. 13347, File No. BPH-2803; for construction permits for new FM broadcast stations.

On the Examiner's own motion: *It is ordered*, This 25th day of February 1960, that a prehearing conference in the above-entitled matter will be held in the offices of the Commission, Washington, D.C., on March 11, 1960, at 10:00 a.m.

Released: February 25, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1905; Filed, Mar. 1, 1960;
8:51 a.m.]

[Docket Nos. 12991, 12992; FCC 60-169]

SUBURBAN BROADCASTING CO., INC., AND CAMDEN BROADCASTING CO.

Memorandum Opinion and Order Amending Issues

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis, tr/as Camden Broadcasting Co., Newark, New Jersey, Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

1. The Commission has before it for consideration (1) a petition to enlarge issues, filed on August 27, 1959, by Suburban Broadcasting Company, Inc. (Suburban); (2) an objection to said petition, filed on September 28, 1959, by Donald Jerome Lewis, tr/as Camden Broadcasting Company (Lewis); (3) a comment on said petition, filed on November 16, 1959, by the Broadcast Bureau; (4) a re-

ply to (2) and (3), filed on November 27, 1959, by Suburban; and (5) the matters of record in the above-entitled proceeding.

2. Suburban is an applicant for a new Class B FM station to operate on 105.7 mc (Channel 289) at Mount Kisco, New York. Lewis proposes a new Class B FM station to operate on 105.9 mc (Channel 290) at Newark, New Jersey. By Order released August 7, 1959 (FCC 59-799; 24 F.R. 6532), the Commission designated the Suburban and Lewis applications for hearing on issues relating to areas and populations to be served and the availability of other FM services thereto; interference by the Suburban proposal to Station WHCN, Hartford, Connecticut; compliance by Suburban with § 3.313(c) of the Rules and the possibility of waiver thereof;¹ a 307(b) issue and an alternative standard comparative issue; and a conclusionary issue. The Examiner was given authority to add an "Evansville issue."

3. Suburban requests the addition of the following issues to this proceeding: (a) a financial issue with respect to Lewis; (b) an issue concerning Lewis' ability to operate in the manner proposed in his application; (c) an issue with respect to the availability of Lewis' proposed transmitter site; and (d) an issue concerning the mutual exclusivity of the Suburban and Lewis applications. Lewis opposes addition of issues (a), (b) and (c); the Broadcast Bureau supports the request for issues (a) and (b) and opposes proposed issues (c) and (d).

4. *Financial issue:* In paragraph 1.a. of Section III of his application,² Lewis listed his proposed costs as follows:

Transmitter.....	\$1,250
Antenna System.....	600
Building.....	(¹)
Estimated cost of first year operation.....	5,400

¹ To be leased.

Lewis stated that "because certain items above (monitors, technical equipment, etc.) are already possessed or are used items available to applicant, the equipment expense is modest." Lewis' balance sheet lists \$2,000 cash on hand; \$4,000 profits from existing operations; and no liabilities: a net worth of \$6,000. His financial statement for 1957 and 1958 is "Net Income: Comparably in excess of \$5,000."

5. Suburban contends that Lewis' estimate of construction costs is incredible absent a showing of exactly what equipment Lewis has available; that Lewis has failed to provide for costs of installing and modifying equipment; that Lewis' estimated cost of operation for the first year is "absurdly low;" and that the information supplied by Lewis in his application is insufficient to establish the availability of funds sufficient to operate

for a reasonable period of time without revenue. Lewis replies that he is the sole owner of "Multiplex Transmitter Company," which owns considerable broadcast and test equipment; that he has "available" to him a used transmitter; that he will do all modification and installation work himself; and that the Multiplex Transmitter Company will share rent and office expenses. Lewis further answers that he has listed \$6,000 "in capital" to meet an estimated expense of \$3,200 for 90 days operation without revenue.

6. Lewis has made no showing of exactly what equipment he possesses; the used transmitter which Lewis claims is available has not been identified; Lewis has not established that the Multiplex Transmitter Company can meet its half of the rent and office expenses; and he has failed to indicate in what form the "\$4,000 profits from existing operations" exists. Because of these and several other deficiencies in Lewis' showing, we are unable to state with assurance that Lewis is financially qualified to construct and operate his proposed station.

7. *"Technical Qualifications" issue:* Lewis' application shows that he plans to broadcast a minimum of 16 hours a day, 7 days a week, for a total of 112 hours a week. He proposes local live programs for approximately 18 percent of the time, or more than 20 hours a week. The proposed staff consists of Lewis himself (he is a licensed engineer) and one "First Class Engineer."

8. Suburban requests addition of the following issue:

To determine whether Lewis, in view of his proposals as to staff, studios, equipment, and construction and operating expenses, is technically and otherwise qualified to operate his station in the manner proposed in his application.³

Suburban submits that it would be impossible to carry out the programs proposed by Lewis with so small a staff and budget. It cites Birney Imes, Jr. (WMOX), 15 Pike & Fischer R.R. 553 (1957), as an instance in which an issue similar to that suggested by Suburban was added where an applicant proposed a daytime only station at Carthage, Mississippi with a staff of four and estimated operating costs of \$17,265 for the first year. Lewis, Suburban notes, plans to operate more hours a week than the Carthage applicant proposed, but with half the staff and a third the operating budget, in a far more expensive market. The Broadcast Bureau supports Suburban's request for an issue as to Lewis' ability to construct and operate as proposed with the staff and budget he proposes. Lewis states in opposition that, unlike the Carthage applicant, he can operate his proposed station with his proposed staff and budget.

9. Among other things, Lewis has failed to demonstrate how he proposes to produce and broadcast 20 hours a week of live programming and, with

³ While there is some similarity between this requested issue and the "Evansville issue," we are of the opinion that the requested issue contemplates a somewhat broader showing than does the latter issue.

respect to staff, has also failed to allow for emergencies, illness, vacations, etc. For these reasons, the Commission feels compelled to inquire further into Lewis' proposed operation in view of his proposed staff and budget.

10. *Availability of site issue:* In support of its request for an issue to determine whether the transmitter site proposed by Lewis is available to him, Suburban alleges only that the management of the building proposed by Lewis as the site for his transmitter has conditioned discussion of a lease on the availability of the site at the time Lewis obtains a construction permit. Suburban does not allege that the site is not now available, nor does it suggest that it is improbable that the site will be available at some future time. We do not require an applicant to enter into a final, binding arrangement in order to establish that a site is available to him. In this connection, see *Greater New Castle Broadcasting Corp.*, 8 Pike & Fischer R.R. 291, 318 (1953).

11. *Mutual exclusivity issue:* Suburban requests addition of the following issue:

To determine the areas and populations which would be deprived of service in the event both the Suburban and Lewis applications were to be granted, and the availability of other FM broadcast service to those areas and populations, and to determine whether a grant of both applications would be consistent with section 307 (b) of the Communications Act and the Commission's rules and policies governing the allocation of FM broadcast stations.⁴

In effect, Suburban seeks a determination of whether a grant of both the Suburban and Lewis applications is possible under existing FM allocation policies. Suburban does not challenge the fact that Mount Kisco, New York and Newark, New Jersey are within the New York-Northeastern New Jersey metropolitan district. However, Suburban argues, the 40 mile separation between Mount Kisco and Newark will reduce the adjacent channel interference to a minimal amount as compared with the large areas and populations which will gain service from two new operations. The Broadcast Bureau, in opposition, points out that a 200 kc separation between Class B FM stations in the same metropolitan district is patently in conflict with § 3.313(c) of the Commission's rules.

12. Section 3.313(c) of the rules provides: "Stations normally will not be authorized to operate in the same city or nearby cities with a frequency separation of less than 800 kc: *Provided*, that stations may be authorized to operate in

⁴ It should be noted that the requested issue fails to consider the possibility of waiver of any of the Commission's rules with respect to grant of both applications. Since Suburban specifically requested waiver of § 3.313(c) with respect to the 600 kc separation between its proposed operation and that of WRFM, New York City, and has failed to do so here, we cannot presume that a request for waiver is implicit in Suburban's instant petition. See § 1.15 of the rules which requires a petition for waiver of any rule if good cause can be shown.

¹ This issue was inserted pursuant to Suburban's request for waiver of the Rule with respect to its proposed 600 kc separation from Class B FM Station WRFM, New York City, currently operating on Channel 286 (105.1 mc). As its wording indicates, the issue contemplates waiver of § 3.313(c) only with respect to Suburban's separation from existing operations, e.g., that of WRFM.

² As amended June 2, 1959.

nearby cities with a frequency separation of not less than 400 kc where necessary in order to provide an equitable and efficient distribution of facilities: *And provided further*, that Class B stations will not be authorized in the same metropolitan district with a frequency separation of less than 800 kc."

Under this section, which relates to interference standards for FM broadcasting, the "metropolitan district" concept provides a workable framework within which, in most instances, interference problems in FM can be effectively prevented by the use of minimum frequency separation requirements rather than by an allocation plan or case-to-case analysis. At the time this rule was adopted, the Commission determined that minimum frequency separation on an area basis would be a useful and practical allocation tool. Any deviation from this concept, other than by waiver, should properly be the product of a rule-making rather than an adjudicatory proceeding. Consequently, an assignment of Class B stations only 200 kc apart will not be made in the same metropolitan district, and accordingly we conclude that the Suburban and Lewis applications are mutually exclusive. We are not persuaded by Suburban's contention that the applicability of § 3.313(c) is in issue and that we cannot properly conclude before hearing that the rule is applicable with respect to Mount Kisco and Newark.⁶ Compliance by Suburban with § 3.313(c), not the applicability of the rule, is in issue. Suburban's request for inclusion of the issue set forth in paragraph 11 will therefore be denied.

Accordingly, it is ordered, This 24th day of February, 1960, that the petition of Suburban Broadcasting Company, Inc. to enlarge the issues, filed August 27, 1959 is granted in part and is denied in part;

It is further ordered, That the issues in the above-captioned proceeding are amended to renumber issues 4 and 5 as issues 6 and 7, and to include as issues 4 and 5 the following:

4. To determine whether Donald Jerome Lewis, tr/as Camden Broadcasting Co., is financially qualified to construct, own and operate his proposed FM broadcast station.

5. To determine whether Donald Jerome Lewis, tr/as Camden Broadcasting Co., in view of his proposals as to staff, studios, equipment and construction and operating expenses, is qualified to operate his station in the manner proposed in his application.

Released: February 26, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1908; Filed, Mar. 1, 1960;
8:51 a.m.]

⁶ We need not decide whether a waiver of the Rule could be granted or denied without hearing, since waiver with respect to the Mount Kisco-Newark separation was not requested. See note 4 supra.

[Docket No. 13252; FCC 60M-338]

TRI-STATE BROADCASTING CO.

Order Continuing Hearing

In re application of Tri-State Broadcasting Company, Summerville, Georgia, Docket No. 13252, File No. BP-12296; for construction permit.

The Hearing Examiner having under consideration a petition, filed by Williamson County Broadcasting Co., Inc., on February 15, 1960, requesting continuance;

It appearing that good cause has been shown for the continuance; and that the public interest requires immediate consideration in order to facilitate the orderly and expeditious dispatch of the Commission's business;

It is ordered, This 23d day of February 1960, that the above petition for continuance is granted; the date for notification of witnesses desired for cross-examination is extended from February 15 to March 18, 1960; and the hearing herein is continued from February 25 to March 28, 1960, at 10:00 a.m.

Released: February 23, 1960.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 60-1909; Filed, Mar. 1, 1960;
8:51 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1219]

EQUITY ANNUITY LIFE INSURANCE CO.

Order Regarding Application for Exemptions From the Act

FEBRUARY 25, 1960.

The Equity Annuity Life Insurance Company ("Ealic"), a registered open-end management investment company, having filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order exempting Ealic from the provisions of the Act specified in said application, and pursuant to sections 18(i) and 22(e) for permissive orders thereunder;

Hearings having been held on said application after appropriate notice, briefs having been filed by applicant and the participants in the proceedings the Commission having heard oral argument, and having this day issued its Findings and Opinion, on the basis of such Findings and Opinion:

It is ordered, Pursuant to the provisions of section 6(c), effective forthwith, that

(a) Ealic be exempt from the provisions of section 18(f)(1) of the Act to the extent necessary to permit the issuance and sale of variable annuity contracts and contracts of life and disability insurance; and

(b) Ealic be exempt from the provisions of Rule 17f-2 under the Act to the

extent necessary to permit it to place securities and cash on deposit with the insurance commissioner, or similar official or agency of any state in which Ealic transacts business, in the amount necessary under the laws of such state to qualify to do business therein; and

(c) Ealic be exempt from the provisions of section 24(d) of the Act to the extent necessary to permit Ealic's contracts of life and disability insurance to be publicly offered for sale and sold either separately or in combination with Ealic's variable annuity contracts without registration of such life and disability contracts under the Securities Act of 1933; and

(d) Ealic and underwriters of its securities be exempt from the provisions of section 27(a) of the Act to the extent necessary to permit the sale of periodic payment plans for Ealic's variable annuity contracts under which the sales load is deducted in the manner described in such application over an assumed duration of such plans not exceeding ten years from their inception; and

(e) Ealic and underwriters of its securities be exempt from the provisions of section 27(c)(2) of the Act to the extent necessary to permit the sale of periodic payment plans for Ealic's variable annuity contracts without a separate custodianship or trusteeship of the proceeds of such plans, subject, however, to the condition that charges for administrative expense shall not exceed such reasonable amounts as this Commission shall prescribe, jurisdiction being reserved for such purpose; and

(f) The unincorporated investment company comprised of Ealic's variable annuity contract holders together with the proceeds of their payments held by Ealic, be exempt from the provisions of section 7(b) of the Act.

It is further ordered, Effective forthwith, that Ealic, the principal underwriters of its securities and any dealer be exempt from section 22(d) of the Act to the extent necessary to permit the public sale, for the purpose of funding employee pension or profit-sharing plans qualified under section 401 of the Internal Revenue Code or similar plans established by tax exempt organizations enumerated in sections 501(c)(3) or (13) of the Internal Revenue Code, of periodic payment plans for the purchase of Ealic's group variable annuity contract at the public offering prices described in the prospectus which reflect reductions in the sale, administrative and other charges; and that the application for exemption from section 22(d) be denied in all other respects.

It is further ordered, Effective forthwith, that the application be denied (a) to the extent that exemption is sought from the provisions of section 17(a)(3) and Rule 17d-1 to permit borrowings by, and bonus payments to, affiliated persons or principal underwriters, without prejudice, however, to a renewal of such application upon amended terms and conditions appropriate for the protection of Ealic's security holders; and (b) to

the extent that orders are requested pursuant to sections 18(i) and 22(e).

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1873; Filed, Mar. 1, 1960;
8:46 a.m.]

[File Nos. 59-104, 54-222]

MERRIMACK-ESSEX ELECTRIC CO. ET AL.

Order Releasing Jurisdiction Over Fees and Expenses

FEBRUARY 18, 1960.

In the matters of Merrimack-Essex Electric Company, Southern Berkshire Power & Electric Company, Suburban Electric Company, Weymouth Light and Power Company, Worcester County Electric Company, New England Electric System, File No. 59-104; New England Electric System, File No. 54-222.

On May 14, 1958, the Commission issued its Findings and Opinion, and Order herein (Holding Company Act Release No. 14002), approving, under section 11(e) of the Public Utility Holding Company Act of 1935 ("Act"), a plan providing for the issuance by New England Electric System ("NEES"), a registered holding company, of shares of its common stock in exchange for the publicly-held minority common stocks of five of the electric utility subsidiaries of NEES. Jurisdiction was reserved in said order to determine the reasonableness of all fees and expenses and all other remunerations incurred or to be incurred by NEES and the five subsidiaries in connection with the plan, the transactions incidental thereto, and all proceedings on or related thereto as to which the record was incomplete.

By amendment dated January 25, 1960, the record was completed with respect to such fees and expenses which are shown in the following table:

New England Power Service Company, an affiliated service company—at cost.....	\$45,000
Printing costs.....	1,694
Transfer agent and registrar.....	3,000
Exchange agent.....	5,581
Ropes, Gray, Best, Coolidge & Rugg, special counsel.....	10,000
Lybrand, Ross Bros. & Montgomery, accountants.....	400
Miscellaneous expenses.....	5,600
Total.....	71,275

All of the above fees and expenses are payable by NEES, no fees or expenses having been incurred by any of the five subsidiary companies.

It appearing to the Commission that the above fees and expenses are for necessary services and are reasonable, and that the jurisdiction heretofore reserved with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the

above itemized fees and expenses be, and hereby is, released.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1874; Filed, Mar. 1, 1960;
8:47 a.m.]

[File No. 1-3865]

SKIATRON ELECTRONICS AND TELEVISION CORP.

Order Summarily Suspending Trading

FEBRUARY 25, 1960.

In the matter of trading on the American Stock Exchange in the common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, File No. 1-3865.

The common stock, par value 10 cents per share of Skiatron Electronics and Television Corporation, being listed and registered on the American Stock Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the American Stock Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, February 26, 1960, to March 6, 1960, both dates inclusive.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1875; Filed, Mar. 1, 1960;
8:47 a.m.]

[File No. 812-1236]

UNITED INTERNATIONAL FUND, LTD.

Notice of Application by Investment Company Organized in Bermuda for Order Permitting Its Registration and Sale of Its Securities in the United States

FEBRUARY 24, 1960.

Notice is hereby given that United International Fund, Ltd. ("Applicant"), an

investment company incorporated by a special act of the Bermuda Parliament entitled, "The United International Fund Company Act, 1959" ("Charter"), has filed an application, under section 7(d) of the Investment Company Act of 1940 (the "Act") seeking an order of the Commission permitting Applicant to register as an investment company under the Act and to make a public offering of its securities in the United States.

Section 7(d) of the Act, among other things, prohibits a foreign investment company from making a public offering of its securities in the United States through the means or instrumentalities of interstate commerce unless the Commission, upon application, issues a conditional or unconditional order permitting such company to register under the Act and to make such public offering of its securities. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the Act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant has been organized for the purpose of engaging in business as an open-end diversified management investment company investing in securities, among others, traded on the stock exchanges of Toronto, Montreal, London, Johannesburg, Amsterdam, Frankfurt and Paris.

The authorized capital of the Applicant is an unlimited maximum amount but may not be less than 5,000 shares of capital stock of a par value of one pound per share. All shares have equal voting rights and entitle the holder to one vote in the election of directors and all other matters. Applicant contemplates making a public offering in the United States of its common stock, through an underwriting group managed by Kidder, Peabody & Co., to obtain at least \$22,000,000 for its investment purposes.

Applicant has made undertakings and agreements which together with the provisions of the applicant's charter and by-laws, the Bermuda Companies Act of 1923, as amended, and its common law, are submitted by the Applicant as special circumstances and arrangements justifying the entry of the requested order. Applicant alleges that, in addition to the undertakings and agreements provided for by Rule 7d-1 applicable to Canadian investment companies, it has provided other undertakings and agreements for the protection of investors and as further assurance of the enforceability of the Act against the Applicant.

The Applicant's charter and by-laws taken together contain, in effect, the substantive provisions of the Act applicable to open-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States and Bermuda by Applicant's shareholders.

Applicant's by-laws also contain, among other things, provisions summarized as follows: (1) that all of its securities and cash will be maintained

in the custody of a bank in the United States except cash not exceeding \$50,000; (2) that at least a majority of the directors and of the officers of the Applicant will be United States citizens of whom a majority will be resident in the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain in the United States such accounts, books and other documents as are necessary or appropriate to record transactions relating to Applicant; (5) that Applicant's principal underwriter will be a resident and citizen of the United States or a corporation organized under the laws of a State of the United States and having its principal place of business therein; and (6) that Applicant will maintain duplicate copies of its books and records at the office of its custodian located within the United States.

Applicant has undertaken and agreed in its application among other things: (i) that its charter and by-laws will not be changed in any manner inconsistent with the Act or the rules and regulations thereunder or the undertakings and agreements contained in the instant application without permission of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the Act, Applicant's charter, by-laws and undertakings and agreements contained in the instant application insofar as applicable to such persons and to do nothing inconsistent with such undertakings and agreements; (iii) that the aforesaid agreements as well as those of Applicant shall enure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) Applicant's custodian will maintain a list of the affiliated persons of Applicant, its officers, directors and investment adviser, and will not consummate any otherwise prohibited transaction with such persons unless specifically permitted by order of the Commission; (v) Applicant will maintain in the United States a transfer agent and registrar; (vi) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets.

Other agreements and undertakings contained in the application are designed to facilitate the judicial enforcement of the Act by the Commission or Applicant's shareholders in appropriate courts of the United States or Bermuda. To that end each of the contracting parties who are not citizens and residents of the United States, will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the Act to purchases and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed except in the instance when

Applicant's custodian exercises abroad rights issued to Applicant as a security holder in other companies: *Provided*, That (a) the rights so exercised shall be offered or issued to Applicant as a security holder in another company on the same basis as all other holders of the class or classes of securities of such other company to whom such rights are offered or issued, and (b) the rights so exercised shall not exceed 10% of the total amount of such rights so offered or issued, and (c) the securities purchased pursuant to such exercise or securities of the same class are listed on an established securities exchange, application has been made to such exchange for the listing thereon of such securities, or it has been publicly announced that application will be made to such exchange for listing thereon of such securities and Applicant has no reason to believe that such listing will not be effected.

Applicant has further agreed, and will cause its non-resident directors to agree, to waive any counsel fees or security for costs in any action brought in Bermuda by any of its shareholders based upon its charters, by-laws, or the undertakings and agreements herein.

As a further special circumstance, the Applicant points to the provisions of an extradition treaty between the United Kingdom and the United States which is applicable to Bermuda, covering, among other things, the crimes of fraud and false pretenses by corporate officials.

The Applicant also seeks an exemption pursuant to section 6(c) of the Act from the provisions of section 22(e) of the Act to the extent necessary to permit its Board of Directors, acting pursuant to its by-law provisions, to suspend redemption of its shares for any period during which either the New York, Toronto, London, Amsterdam, Paris or Frankfurt stock exchanges is closed, other than customary week-end and holiday closings, or during which trading on any one of said exchanges is restricted.

Notice is further given that any interested person may, not later than March 9, 1960 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date, as provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1876; Filed, Mar. 1, 1960;
8:47 a.m.]

[File No. 812-1244]

VARIABLE ANNUITY LIFE INSURANCE COMPANY OF AMERICA

Order Regarding Application for Exemptions From the Act

FEBRUARY 25, 1960.

The Variable Annuity Life Insurance Company of America ("Valic"), a registered open-end management investment company, having filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act") for an order exempting Valic from the provisions of the Act specified in said application, and pursuant to sections 18(i) and 22(e) for permissive orders thereunder;

Hearings having been held on said application after appropriate notice, briefs having been filed by applicant and the participants in the proceedings, the Commission having heard oral argument, and having this day issued its Findings and Opinion, on the basis of such Findings and Opinion:

It is ordered, Pursuant to the provisions of section 6(c), effective forthwith, that

(a) Valic be exempt from the provisions of section 18(f)(1) of the Act to the extent necessary to permit the issuance and sale of variable annuity contracts and contracts of life and disability insurance, subject, however, to the condition (i) that Valic forthwith reinsure or coinsure all liability to which it is or may become subject arising out of contracts of life and disability insurance and (ii) that within 120 days from the date of this order Valic recapitalize its capital stock so as to have but one class of capital stock outstanding; and

(b) Valic be exempt from the provisions of Rule 17f-2 under the Act to the extent necessary to permit it to place securities and cash on deposit with the insurance commissioner or similar official or agency of any state in which Valic transacts business, in the amount necessary under the laws of such state to qualify to do business therein; and

(c) Valic, the principal underwriters of its securities, and any dealer be exempt from section 22(d) of the Act to the extent necessary to permit the public sale of Valic's group variable annuity contracts and periodic payment plans for the purchase of pension trust variable annuity contracts to the persons described in its application at the public offering prices described in the prospectus which reflect reductions in sales, administrative and other charges; and

(d) Valic be exempt from the provisions of section 24(d) of the Act to the extent necessary to permit Valic's contracts of life and disability insurance to be publicly offered for sale and sold either separately or in combination with Valic's variable annuity contracts without registration of such life and disability contracts under the Securities Act of 1933; and

(e) Valic and underwriters of its securities be exempt from the provisions of section 27(a) of the Act to the extent necessary to permit the sale of periodic

payment plans for Valic's variable annuity contracts under which the sales load is deducted in the manner described in such application over an assumed duration of such plan not exceeding twelve years from their inception; and

(f) Valic and underwriters of its securities be exempt from the provisions of section 27(c)(2) of the Act to the extent necessary to permit the sale of periodic payment plans for Valic's variable annuity contracts without a separate custodianship or trusteeship of the proceeds of such plans, subject, however, to the condition that charges for administrative services shall not exceed such reasonable amount as this Commission shall prescribe, jurisdiction being reserved for such purpose; and

(g) The unincorporated investment company comprised of Valic's variable annuity contract holders together with the proceeds of their payments held by Valic, be exempt from the provisions of section 7(b) of the Act.

It is further ordered, Effective forthwith, that the application be denied (a) to the extent that exemption is sought from the provisions of section 17(a)(3) and Rule 17d-1 to permit borrowings by, and bonus payments to, affiliated persons or principal underwriters, without prejudice, however, to a renewal of such application upon amended terms and conditions appropriate for the protection of Valic's security holders; and (b) to the extent that orders are requested pursuant to sections 18(i) and 22(e).

It is further ordered, Effective forthwith, that the application be dismissed to the extent that exemption from section 17(a)(3) is requested for the sale by affiliated persons to Valic of securities of which Valic is the issuer.

By the Commission.

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 60-1877; Filed, Mar. 1, 1960;
8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-111]

NORTH CAROLINA STATE COLLEGE

Notice of Proposed Issuance of Facility License

Please take notice that, unless within fifteen (15) days after the filing of this notice with the Office of the Federal Register a request for a formal hearing is filed with the Commission as provided by the Commission's rules of practice (10 CFR Part 2), the Atomic Energy Commission proposes to issue to North Carolina State College, Raleigh, North Carolina, a facility license substantially as set forth below authorizing the possession and operation of a heterogeneous, graphite reflected water moderated training and research nuclear reactor at power levels up to 10 kilowatts (thermal), if it is determined after inspection by the Commission that the reactor has been constructed in accordance with the provisions of Construction Permit No. CPRR-32. Requests for formal hearing should be addressed to the Secretary at the AEC's offices at Germantown, Mary-

land, or to the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application submitted by North Carolina State College, and amendments thereto, and (2) a hazards analysis of operation of the reactor prepared by the Hazards Evaluation Branch, Division of Licensing and Regulation, both on file at the AEC's Public Document Room, at the above address.

Dated at Germantown, Md., this 25th day of February 1960.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

PROPOSED LICENSE

1. This license applies to the heterogeneous, graphite reflected, water moderated training and research nuclear reactor (hereinafter referred to as "the reactor") which is owned by the applicant and located at Raleigh, North Carolina, and described in the application dated July 10, 1958, and amendments thereto dated September 15, 1958, October 10, 1958, and July 28, 1959, (hereinafter collectively referred to as "the application").

2. Pursuant to the Atomic Energy Act of 1954, as amended, (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with Construction Permit No. CPRR-32 issued to North Carolina State College and will operate in conformity with the application and in conformity with the Act and with the rules and regulations of the Commission.

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public.

C. North Carolina State College is technically and financially qualified to operate the reactor and to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public.

E. North Carolina State College is a non-profit educational institution and will use the reactor for the conduct of educational activities. North Carolina State College is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses North Carolina State College:

A. Pursuant to Section 104c of the Act and Title 10, CFR Chapter 1, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in Raleigh, North Carolina, in accordance with the procedures and limitations described in the application.

B. Pursuant to the Act and Title 10, CFR Chapter 1, Part 70, "Special Nuclear Material", to possess and use up to (4.002) kilograms of contained uranium 235 in connection with operation of the reactor.

C. Pursuant to the Act and Title 10, CFR Chapter 1, Part 70, "Special Nuclear Material", to possess and use in connection with operation of the reactor up to 80 grams of plutonium for use as a plutonium-beryllium neutron source.

D. Pursuant to the Act and Title 10, CFR, Chapter 1, Part 30, "Licensing of Byproduct Material", to possess, but not to separate such byproduct material as may be produced from operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, CFR and to be subject to all applicable provisions of the Act, and to the rules, and regulations and orders of the Commission now or hereafter in effect and to the additional conditions specified below:

A. North Carolina State College shall not operate the reactor at power levels in excess of 10 kilowatts without previous authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, North Carolina State College shall keep the following records:

1. Reactor operating records, including power levels.

2. Records of in-pile irradiations.

3. Records showing radioactivity released or discharged into the air or water beyond the effective control of North Carolina State College as measured at the point of such release or discharge.

4. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. North Carolina State College shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

5. This license is effective as of the date of issuance and shall expire at midnight July 1, 1963.

For the Atomic Energy Commission.

[F.R. Doc. 60-1895; Filed, Mar. 1, 1960;
8:50 a.m.]

FEDERAL POWER COMMISSION

[RI60-159—RI60-170]

BRITISH-AMERICAN OIL PRODUCING CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rate¹

FEBRUARY 24, 1960.

The British-American Oil Producing Company, RI60-159; Continental Oil Company, RI60-160; Van Norman Oil Company, RI60-161; Sun Oil Company, RI60-162; Charles B. Wrightsman, RI60-163; Standard Oil Company of Texas, RI60-164; Continental Oil Company (Operator), et al., RI60-165; Carl M. Smith, RI60-166; Socony Mobil Oil Company, Inc., RI60-167; Cities Service Oil Company, RI60-168; Phillips Petroleum Company (Operator), et al., RI60-169; Kerr-McGee Oil Industries, Inc., RI60-170.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

¹ This order does not provide for the consolidation for hearing or disposition of the separately docketed matters covered herein, nor should it be so construed.

Docket No.	Respondent	Rate Schedule No.	Supplement No.	Purchaser and producing area	Notice of change dated—	Date tendered	Effective date ¹ unless suspended	Date suspended until—	Cents per Mcf ²		Rate in effect subject to refund in docket Nos. —
									Rate in effect	Proposed increased rate	
RI60-159...	The British-American Oil Producing Co.	33	1	Cities Service Gas Co. (Eureka Field, Grant County, Okla.).	1-19-60	1-27-60	2-27-60	7-27-60	³ 12.0	13.0	-----
RI60-160...	Continental Oil Co.	169	5	Texas Eastern Transmission Corp. (Cherokee Lake Field, Rusk and Gregg Counties, Tex.).	1-26-60	1-29-60	2-29-60	7-29-60	14.6	14.8	G-19027
RI60-161...	Van Norman Oil Co.	1	10	Phillips Petroleum Co. (Hugoton Field, Sherman County, Tex.).	Undated	1-25-60	2-25-60	2-26-60	8.5784	9.1123	G-20443
RI60-162...	Sun Oil Co.	32	13	Texas Eastern Transmission Corp. (Helen Gohlke Field, DeWitt and Victoria Counties, Tex.).	2-2-60	2-4-60	3-6-60	8-6-60	⁴ 15.4444	15.7777	G-18094
RI60-163...	Charles B. Wrightsman	1	6	United Gas Pipe Line Co. (St. Martinville Field, St. Martin Parish, La.).	1-29-60	2-1-60	3-3-60	8-3-60	10.797	23.3	-----
RI60-164...	Standard Oil Co. of Texas.	34	5	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).	Undated	2-1-60	3-3-60	8-3-60	⁵ 10.09216	14.67856	-----
		35	5	El Paso Natural Gas Co. (Langlie-Mattix Field, Lea County, N. Mex.).	Undated	2-1-60	3-3-60	8-3-60	⁵ 10.09216 ⁶ 10.54056	14.67856 15.12695	-----
		36	4	El Paso Natural Gas Co. Lea County, N. Mex.).	Undated	2-1-60	3-3-60	8-3-60	⁵ 10.09216 ⁶ 10.54056	14.67856 15.12695	-----
RI60-165...	Continental Oil Co. (Operator), et al.	80	8	United Gas Pipe Line Co. (St. Martinville Field, St. Martin Parish, La.).	1-29-60	2-1-60	3-3-60	8-3-60	10.797	23.3	-----
		98	6	United Gas Pipe Line Co. (Abbeville Field, Vermilion Parish, La.).	1-29-60	2-1-60	3-3-60	8-3-60	10.797	23.3	-----
RI60-166...	Carl M. Smith	3	2	Colorado Interstate Gas Co. (Keyes Field, Cimarron and Texas Counties, Okla.).	2-1-60	2-4-60	3-6-60	8-6-60	⁷ 15.0	16.0	-----
RI60-167...	Socony Mobil Oil Co., Inc.	63	10	Natural Gas Pipe Line Co. of America (Camrick Field, Texas County, Okla.).	2-4-60	2-5-60	3-21-60	8-21-60	16.6	16.8	G-17938
RI60-168...	Cities Service Oil Co.	88 129	9 1	do. Natural Gas Pipe Line Co. of America (Camrick Southeast Field, Beaver County, Okla.).	2-4-60 2-2-60	2-5-60 2-5-60	3-21-60 3-21-60	8-21-60 8-21-60	16.6 16.6	16.8 16.8	G-17938
		72	7	Northern Natural Gas Co. (Hugoton Field, Haskell County, Kans.).	2-5-60	2-8-60	3-10-60	8-10-60	11.0	15.0	-----
RI60-169...	Phillips Petroleum Co. (Operator), et al.	332	2	Natural Gas Pipe Line Co. of America (Camrick Field, Beaver County, Okla.).	2-3-60	2-5-60	3-21-60	8-21-60	16.6	16.8	G-17878
RI60-170...	Kerr-McGee Oil Industries, Inc.	46	5	Natural Gas Pipe Line Co. of America (Camrick Southeast Field, Texas County, Okla.).	Undated	2-8-60	3-21-60	8-21-60	16.6	16.8	G-17995

¹ The stated effective dates are those requested by respondents or the first day after the expiration of statutory notice, whichever is later.

² The rates of Continental Oil Company (Operator), et al., and Charles B. Wrightsman are at a pressure base of 15.025 psia. The other rates are at a pressure base of 14.65 psia.

³ Rate subject to 0.75 cent per Mcf deduction by buyer for dehydration.

⁴ Rate subject to 0.5 cent per Mcf deduction by buyer for dehydration.

⁵ Low pressure gas.

⁶ High pressure gas.

⁷ Rate subject to B.T.U. adjustment.

In support of its proposed periodic increased rate, the British-American Oil Producing Company (British-American) cites the periodic price provisions in its contract and states that the contract was negotiated at arm's length. British-American also states that such provisions are common and recompense the low prices for initial deliveries and the increasing costs of later production.

In support of its proposed periodic increased rate, Continental Oil Company cites the pricing provisions in its contract and states that higher (initial) rates in the area entitle it to the proposed increase.

The contract of Van Norman Oil Company (Van Norman) provides for rate increases in proportion to any increases Phillips Petroleum Company (Phillips) receives for the resale of the gas. Phillips is now receiving an increased rate subject to refund in Docket No. G-19032. In support of its proposed increased rate, Van Norman cites the contract provisions and Phillips' increased rate. Van Norman states that the contract was negotiated at arm's length and the increased rate is fair, reasonable, and just.

The contract of Sun Oil Company (Sun) provides for the rate to be redetermined at certain times, in an amount equal to the average of the three highest rates in the area. In support of its proposed redetermined rate, Sun cites the contract provisions and the three prices. Sun states that the con-

tract was negotiated at arm's length and provides a fair average price over the long term of the contract. Sun also states that the proposed rate does not exceed the value of gas in the area.

The contracts of Charles B. Wrightsman and Continental Oil Company (Operator), et al. terminate by their own terms on March 1, 1960. These respondents have filed petitions to abandon the services involved. In support of the proposed increased rates, respondents cite cost exhibits submitted in evidence by Continental Oil Company, as operator, in the general rate proceeding in Docket No. G-16966; also cited are higher rates for initial services in southern Louisiana.

In support of its proposed favored-nations increased rates, Standard Oil Company of Texas (Standard) cites the pricing provisions in its contracts and triggering increases.⁸ Standard states that the proposed rates are just and reasonable, that the contracts were negotiated at arm's length, and that denial of the proposed rates would be inequitable and confiscatory.

In support of his proposed redetermined increased rate, Carl M. Smith (Smith) cites the pricing provisions in his contract and submits copies of the redetermination agreement under the

⁸ The triggering rate increases of Phillips are subject to refund in Docket Nos. G-18417 and G-18418.

contract. Smith states that the contract was negotiated at arm's length and that the redetermination provisions were important consideration to Smith in executing the long-term contract during a period of increasing costs.

In support of its proposed periodic increased rates, Socony Mobil Oil Company, Inc., cites the pricing provisions in its contracts and states that the contracts were negotiated at arm's length, that gas should be priced as a commodity, and that costs have been increasing.

In support of its proposed periodic increased rate, Cities Service Oil Company (Cities Service) cites the pricing provisions in its contract and states that the contract was negotiated at arm's length and that the proposed rate is less than the going price for gas in the area. In support of its proposed renegotiated increased rate, Cities Service cites the pricing provisions in its contract and submits an arbitration decision. Cities Service states that the proposed rate is within the lower range of prices in recent contracts and is lower than the market value of gas in equivalent supplies.

In support of its proposed periodic increased rate, Phillips cites sales in the area at higher prices and states that it should be excused from any requirement of submitting cost data, since proper methods of cost analysis have not yet been determined in the proceedings in Docket Nos. G-1148, et al.

In support of its proposed periodic increased rate, Kerr-McGee Oil Industries, Inc., cites the pricing provisions in its contract, states that the contract was negotiated at arm's length and that the proposed rate is less than the going price in the area, and submits a list of higher rates for initial services.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, each of the above-designated supplements is hereby suspended and the use thereof deferred until the date indicated in the above "Rate Suspended Until" column, and thereafter until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure [18 CFR 1.8 or 1.37(f)] on or before April 18, 1960.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1867; Filed, Mar. 1, 1960;
8:45 a.m.]

[Docket No. RI60-56]

SUN OIL CO.

Order Changing Designation of Proceedings

FEBRUARY 24, 1960.

Sun Oil Company (Operator), et al. (Sun) on February 4, 1960, submitted a motion requesting that the designation of this proceeding be changed from "Sun Oil Company (Operator), et al." to "Sun Oil Company". Texaco Seaboard, Inc., the former signatory non-operating co-owner, has made rate schedule filings, designated as its FPC Gas Rate Schedule No. 25 and Supplements thereto, for the

sale of its own gas. Accordingly, Sun's FPC Gas Rate Schedule No. 100, as supplemented, which is herein involved, now governs the sale of only gas owned by Sun.

The Commission finds: Good cause has been shown for redesignating this proceeding as "Sun Oil Company".

The Commission orders: This proceeding is hereby redesignated as "Sun Oil Company".

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1868; Filed, Mar. 1, 1960;
8:45 a.m.]

[Docket No. G-20231]

TOWN OF FAYETTE, MISS.

Notice of Application

FEBRUARY 24, 1960.

Take notice that the Town of Fayette, Mississippi (Applicant), filed in Docket No. G-20231 an application on November 23, 1959, as supplemented on December 21, 1959, for an order under section 7(a) of the Natural Gas Act, directing Southern Natural Gas Company (Southern), to establish physical connection of its facilities with those which Applicant proposes to construct, and to sell and deliver up to 552 Mcf of natural gas per day to Applicant for distribution and resale in Fayette and environs, all as more fully described in the application on file with the Commission and open to public inspection.

Applicant states there is presently no existing distribution system in Fayette. Liquid petroleum gas is the only supply of gas available now.

Applicant proposes to construct and operate approximately 8.4 miles of 3-inch lateral extending from Southern's 18-inch Cranfield-Brookhaven transmission line, which is now being completed, to the Town of Fayette. A meter station will be installed at the proposed point of connection. This point is near the Village of Hamburg where Fayette will take delivery from Southern. In addition, Applicant will construct and operate the necessary distribution facilities.

Applicant further states the Town of Fayette has a population of about 1,850 and within a 15-mile radius the population is estimated to be 11,300. Applicant estimates its gas requirements as ascertained by a field survey, as follows:

Year	Requirements in Mcf	
	Peak day	Annual
1.....	413	36,972
2.....	498	43,563
3.....	552	47,185
4.....	596	49,526
5.....	613	51,148

The estimated cost of construction of Fayette's entire project is \$390,000, including fees, escrowed interest and contingencies. Fayette proposes to finance

¹ Pursuant to authorization granted Southern in Docket No. G-14587.

this cost by issuing \$390,000 in municipal gas system revenue bonds. The bonds will have a 30-year maturity with an interest rate of 5 percent. Fayette's entire indebtedness in this project is to be paid from gas sales revenues.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before March 24, 1960.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 60-1869; Filed, Mar. 1, 1960;
8:46 a.m.]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 254]

LOUISIANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February, 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Louisiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Parish (including any areas adjacent to said Parish) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Parish: La Fourche (Tornado occurring on or about February 3, 1960).

Offices: Small Business Administration Regional Office, Fidelity Building, 1000 Main Street, Dallas 2, Tex. Small Business Administration Branch Office, Federal Office Building, Room 303, 610 South Street, New Orleans 12, La.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1960.

Dated: February 11, 1960.

PHILIP McCALLUM,
Administrator.

[F.R. Doc. 60-1878; Filed, Mar. 1, 1960;
8:47 a.m.]

[Declaration of Disaster Area 255]

CALIFORNIA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1960, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of California;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Deputy Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Office below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or destruction as a result of the catastrophe hereinafter referred to:

Counties: Humboldt and San Mateo (coastal storms and resulting floods occurring on or about February 8, 9 and 10, 1960).

Office: Small Business Administration Regional Office, 525 Market Street, San Francisco 5, Calif.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to August 31, 1960.

Dated: February 15, 1960.

ROBERT F. BUCK,
Deputy Administrator.

[F.R. Doc. 60-1879; Filed, Mar. 1, 1960;
8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 271]

MOTOR CARRIER TRANSFER PROCEEDINGS

FEBRUARY 26, 1960.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by

petitioners must be specified in their petitions with particularity.

No. MC-FC 62819. By order of February 24, 1960, the Transfer Board approved the transfer to Pan American Van Lines, Inc., Bellerose, N.Y., of Certificate No. MC 88904 issued June 5, 1956, in the name of Acme Moving & Storage Corporation, Washington, D.C., authorizing the transportation over irregular routes of general commodities, except those of unusual value, Class A and B explosives, commodities in bulk and those requiring special equipment, but not excluding household goods, between Washington, D.C., and Indian Head, Md.; and household goods, as defined by the Commission, between Indian Head, Md., and points in Maryland within five miles of Indian Head, on the one hand, and, on the other, points in Virginia, the District of Columbia, Delaware, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and West Virginia. Edward M. Alfano, 2 West 45th Street, New York 36, N.Y.

No. MC-FC 62849. By order of February 24, 1960, the Transfer Board approved the transfer to Conken Freight Lines, Inc., South Main St., Harlan, Kentucky, of Certificates in Nos. MC 107423 and MC 107432 Sub 4, issued September 21, 1953 and August 22, 1955, respectively, to J. David Conken, doing business as Conken Transit, Harlan, Ky., authorizing the transportation of: General commodities, excluding household goods, commodities in bulk, and other specified commodities, from Knoxville, Tenn., to Pineville, Ky., from Harlan, Ky., to points in Lee and Wise Counties, Va.; between Knoxville, Tenn., and Cumberland Gap, Tenn.; between Cumberland Gap, Tenn., and Middlesboro, Ky., between Knoxville, Tenn., on the one hand, and, on the other, points in specified counties in Kentucky; household goods, new furniture and grain, between points in Bell County, Ky., on the one hand, and, on the other, points in Kentucky, Tennessee and Virginia; coffee, manufactured tobacco, cigarettes, and stoves from Knoxville, Tenn., to points in Bell and Harlan Counties, Ky., except Middlesboro, Ky.; lumber from Harlan, Ky., to Johnson City, Tenn., and Bassett and Martinsville, Va.; motors, motor parts, mining cars, wire and cable from Harlan, Ky., to points in Lee County, Va.; new furniture from points in North Carolina, Tennessee, and Virginia to points in Bell and Harlan Counties, Ky.

No. MC-FC 62895. By order of February 24, 1960, the Transfer Board approved the transfer to Glenn L. Stephenson and Floyd R. Doren, a partnership, doing business as Ponca Motor Express, Ponca, Nebraska, of the operating rights in Certificate No. MC 839, issued January 28, 1953, to Martin Goergen, doing business as Ponca Motor Express, Ponca, Nebraska, authorizing the transportation, over a regular route, of general commodities, excluding household goods and commodities in bulk, between Sioux City, Iowa, and Ponca, Nebr.

No. MC-FC 62898. By order of February 24, 1960, the Transfer Board approved the transfer to Adam's Cartage Limited, Windsor, Ontario, Canada, of

Certificate in No. MC 114517, issued October 28, 1957, to Armand H. Adam, doing business as Adam's Cartage, Windsor, Ontario, Canada, authorizing the transportation of: Meats, meat products, and meat by-products, from the International boundary line of the United States and Canada at Detroit, Mich., to Detroit. Gordon S. Nisbet, 310 Canada Trust Building, Windsor, Ontario, Canada and Arthur P. Boynton, 2850 Penobscot Building, Detroit 26, Mich., for applicants.

No. MC-FC 62962. By order of February 24, 1960, the Transfer Board approved the transfer to Pierceton Trucking Company, Inc., Pierceton, Ind., of Certificates Nos. MC 111941, MC 111941 Sub 1, and MC 111941 Sub 5, issued July 10, 1951, October 30, 1952 and November 19, 1958, respectively, in the name of Philip Arthur Flinn and Robert H. Leifer, doing business as Pierceton Trucking Co., Pierceton, Ind., authorizing the transportation, over irregular routes, of asphalt and road oil, in bulk, in tank vehicles, from Lawrenceville, Robinson, and Lockport, Ill., to points in Indiana; cement, from La Salle, Ill., to points in Indiana; commercial feed ingredients, in bulk, from points in Illinois and Ohio, to Warsaw, Ind.; asphalt emulsion, from points in De Kalb County, Indiana, to points in Ohio and Michigan within 150 miles of De Kalb County; petroleum products as described in Appendix XIII to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Laketon, Ind., to points in Ohio, Illinois, and Michigan; and blending oil, in bulk, in tank vehicles, from Columbia Park, Ohio, to Laketon, Ind., with no transportation for compensation on return except as otherwise authorized of any commodity listed above. Robert W. Loser, 409 Chamber of Commerce Building, Indianapolis 4, Ind. for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-1887; Filed, Mar. 1, 1960;
8:48 a.m.]

[Notice 312]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 26, 1960.

The following publications are governed by the Interstate Commerce Commission's general rules of practice (49 CFR 1.40) including Special Rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 28132 (Sub No. 53), filed February 1, 1960. Applicant: HVIDSTEN TRANSPORT, INC., 2821 Main Avenue, Fargo, N. Dak. Applicant's attorney:

Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and salt compounds*, from Williston, N. Dak., and points within ten (10) miles thereof, to points in South Dakota, Montana, Wyoming, Nebraska, Minnesota, Iowa, Colorado, and Wisconsin.

HEARING: April 11, 1960, at the Federal Building, Williston, North Dakota, before Examiner Leo W. Cunningham.

No. MC 31220 (Sub No. 19), filed December 21, 1959. Applicant: DANIELS MOTOR FREIGHT, INC., Niles Road Extension, P.O. Box 1151, Warren, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between points in Michigan, on the one hand, and, on the other, ports of entry at Detroit and Port Huron, Mich. (2) Between points in that part of New York east of a line extending along New York Highway 18 from the shore of Lake Erie to Rochester, N.Y., thence along U.S. Highway 15 to Lakeville, N.Y., thence along Alternate U.S. Highway 20 to Leicester, N.Y., thence along New York Highway 36 to Mt. Morris, N.Y., thence along New York Highway 408 to junction New York Highway 16, near Hinsdale, N.Y., thence along New York Highway 16 to Olean, N.Y., and thence along New York Highway 16-A to the New York-Pennsylvania State line, on the one hand, and, on the other, ports of entry at Niagara Falls and Buffalo, N.Y. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Maryland, New Jersey, New York, West Virginia, Indiana, Illinois, and Michigan.

HEARING: April 6, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 35628 (Sub No. 229) Correction, INTERSTATE MOTOR FREIGHT SYSTEM, INC., Grand Rapids, Mich., filed December 18, 1959, published February 10, 1960. The previous publication names the plant site of Continental Gas Company which is in error. The correct designation is the Continental Can Company.

No. MC 41116 (Sub No. 7), filed December 7, 1950. Applicant: LOIS M. FOGLEMAN, doing business as FOGLEMAN TRUCK LINE, 1001 West Northern Avenue, Crowley, La. Applicant's attorney: P. J. Chappuis, II, Crowley, La. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sugar*, from Mathews, La., to points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Texas; and (2) *Foodstuffs*, from, to, and between points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, and Texas. Applicant is authorized to conduct operations in Louisiana.

NOTE: Applicant states that all merchandise dealt with, handled or shipped will be for the account of Fraering Brokerage Company, Inc., of New Orleans, La., and will be transported in cases and sacks.

HEARING: April 18, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Examiner James O'D. Moran.

No. MC 44724 (Sub No. 3), filed January 28, 1960. Applicant: WHITE'S DELIVERY SERVICE, INC., 155 North Front Street, Philadelphia 6, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, between Philadelphia, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, and West Virginia.

HEARING: April 20, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 44947 (Sub No. 16), filed January 11, 1960. Applicant: DEIOMA TRUCKING CO., a Corporation, P.O. Box 891, Mount Union Station, Alliance, Ohio. Applicant's attorney: John P. McMahon, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay and clay products*, from Hillsville, Pa., and points within five (5) miles thereof, to points in Michigan; (2) *Rejected and returned shipments* of clay and clay products, and *pallets, skids, and empty containers* used in outbound transportation, from points in Michigan to Hillsville, Pa., and points within five (5) miles thereof; (3) *Clay and clay products*, between Wellsville, Ohio, and points within ten (10) miles thereof, and Lisbon, Ohio, on the one hand, and, on the other, points in Illinois and Wisconsin; and (4) *Rejected and returned shipments* of clay and clay products, and *pallets, skids, and empty containers* used in outbound transportation of clay and clay products, between points in Illinois and Wisconsin, on the one hand, and, on the other, Wellsville, Ohio, and points within ten (10) miles thereof, and Lisbon, Ohio.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 44947 (Sub No. 14) to determine whether applicant's status is that of a common or contract carrier.

HEARING: April 8, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 49304 (Sub No. 6), filed February 11, 1960. Applicant: JAMES LEONARD BOWMAN, doing business as JAMES L. BOWMAN, P.O. Box 6, Stephens City, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and Limestone products*, from Middletown, Va., and points within 6 miles thereof, to points in Delaware, New Jersey, North Carolina, Pennsylvania,

except counties of Allegheny, Washington, Greene, Fayette, Somerset, Bedford, Fulton, Franklin, Adams, York, Lancaster, Chester, Delaware, Philadelphia, and Dauphin, Pa., points in West Virginia, except counties of Jefferson, Berkeley, Morgan, Hampshire, Hardy, Grant, Mineral, Pendleton, Randolph, Tucker, Upshur, Barbour, Preston, Monongalia, Marion, Taylor, Harrison, and Lewis, W. Va., and points in New York, N.Y. (commercial zone).

HEARING: April 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Abraham J. Essrick.

No. MC 52512 (Sub No. 1), filed January 8, 1960. Applicant: FRED B. MUNDY, doing business as F.M. TRUCKING COMPANY, 526 Orange Avenue NE., Roanoke, Va. Applicant's attorney: E. Griffith Dodson, Jr., 509-514 State and City Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and such commodities* as are dealt in by wholesale and retail drug business houses, from Roanoke, Va., to points in North Carolina, Tennessee, and West Virginia, and *empty containers or other such incidental facilities*, used in transporting the above commodities, on return.

NOTE: Applicant states that the proposed transportation will be performed under continuing contracts with McKesson & Robbins Incorporated.

HEARING: April 5, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner Henry A. Cockrum.

No. MC 61628 (Sub No. 25), filed February 11, 1960. Applicant: BENTON RAPID EXPRESS, a Corporation, 216 West Hull Street, P.O. Box 587, Savannah, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving sites of the plants of the General Motors Parts Division and the National Cash Register Company situated approximately six (6) miles south of Jacksonville, Fla., as off-route points in connection with applicant's authorized regular route operations to and from Jacksonville, Fla., in Certificate No. MC 61628.

HEARING: April 13, 1960, at the Mayflower Hotel, Jacksonville, Fla., before Joint Board No. 205, or, if the Joint Board waives its right to participate before Examiner Henry A. Cockrum.

No. MC 65658 (Sub No. 3), filed January 4, 1960. Applicant: HOWARD E. WAMSLEY, 25 Boisseau Street, Ettrick, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats*, which because of size or weight require the use of special equipment, between points in the United States, including Alaska, but excluding Hawaii. Applicant is authorized to con-

duct operations in North Carolina, South Carolina, and Virginia.

HEARING: April 4, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner Henry A. Cockrum.

No. MC 65941 (Sub No. 20), filed February 11, 1960. Applicant: TOWER LINES, INC., P.O. Box 907, Wheeling, W. Va. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard and fibreboard*, from Harts-ville, S.C., to Grafton, W. Va., and *General Commodities* as now authorized under Certificate MC-65941 on return.

HEARING: April 1, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 78042 (Sub No. 8), filed February 5, 1960. Applicant: BEAROFF BROTHERS, INC., Swedeland Road, P.O. Box 21, Bridgeport, Pa. Applicant's representative: Jacob Polin, 426 Barclay Building, City Line at Belmont Avenue, Bala-Cynwyd, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pig iron, iron or steel brickettes, iron or steel ingots, coke, and sulphate of ammonia*, in dump-type vehicles, from Swedeland, Pa., to points in Connecticut, Massachusetts, Ohio, and Rhode Island, and *returned or rejected shipments* of the above-described commodities on return. (2) *Dolomite and stone*, in dump-type vehicles, from Millville, W. Va., to Swedeland, Pa., and *returned or rejected shipments* of the above-mentioned commodities on return. (3) *Scrap metals*, in dump-type vehicles, from points in New York, Virginia, and West Virginia to Philadelphia and Swedeland, Pa., and *returned or rejected shipments* of the above-described commodities on return.

HEARING: April 21, 1960, at the Penn Sherwood Hotel, 3900 Chestnut Street, Philadelphia, Pa., before Examiner Samuel Horwich.

No. MC 78062 (Sub No. 50), filed February 15, 1960. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from the plant site of the Weyerhaeuser Company, near Mt. Vernon, Ohio, to points in Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending south along U.S. Highway 11 to Harrisburg, Pa., thence south along U.S. Highway 111 to the Pennsylvania-Maryland State line, points in the lower peninsula of Michigan, and those points in West Virginia on and north of U.S. Highway 50, and *empty containers or other such incidental facilities* (not specified) used in transporting paper products on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 78062 (Sub No. 30). Common control may be involved.

HEARING: April 6, 1960, at the Offices of the Interstate Commerce Commission,

Washington, D.C., before Examiner Robert A. Joyner.

No. MC 78062 (Sub No. 51), filed February 16, 1960. Applicant: BEATTY MOTOR EXPRESS, INC., Jefferson Avenue Extension, Washington, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers; Jar Tops*, Glass or Glass and metal combined or aluminum-caps, *jar or jelly glass*, not nested, fruit jar tops, metal not nested, *fruit jar tops*, metal flat, from Washington, Pa., and Wheeling, W. Va., to Lexington, Ky., *empty Pallets and empty containers* or other such incidental facilities (not specified), on return.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier. In No. MC 78062 (Sub No. 30).

HEARING: April 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 83360 (Sub No. 1), filed December 11, 1959. Applicant: T. M. McLAUGHLIN, doing business as MACK BROTHERS, Victoria, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal*, in containers, from Kenbridge, Va., to points in Delaware, Florida, Georgia, Maryland, New Jersey, New York, Pennsylvania, and South Carolina; and *empty containers or other such incidental facilities* used in transporting charcoal, on return. Applicant is authorized to conduct operations in Virginia, the District of Columbia, Maryland, Pennsylvania, North Carolina, Tennessee, Kentucky, and West Virginia.

HEARING: April 4, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner Henry A. Cockrum.

No. MC 89377 (Sub No. 1), filed February 5, 1960. Applicant: JOSEPH ELETTO, 31 West St. Marks Place, Valley Stream, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, Traded-in items of furniture, and Department Store Merchandise*, between points in Nassau County, N.Y., and New York, N.Y., on the one hand, and, on the other, points in New York and New Jersey within 35 miles of New York, N.Y.

HEARING: April 13, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 94265 (Sub No. 72), filed February 12, 1960. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods* from Crozet, Va., to points in Iowa, and *Packinghouse Products and Frozen Foods*, from Webster City, Iowa, to Crozet, Va.

HEARING: April 19, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Michael B. Driscoll.

No. 103051 (Sub. No. 90), filed January 6, 1960. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue, NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Dougherty County, Ga., to points in Alabama, Florida and Tennessee. Applicant is authorized to conduct operations in Alabama, Georgia, Delaware, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Tennessee, Texas, and Virginia.

HEARING: April 7, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 103051 (Sub. No. 91), filed January 6, 1960. Applicant: WALKER HAULING CO., INC., 624 Penn Avenue, NE., Atlanta 8, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35, C & S National Bank Building, Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, liquid sugar and blends of corn syrup and liquid sugar*, in bulk, in tank vehicles, from points in Jefferson County, Ala., to points in Georgia, Florida, Louisiana, Mississippi, and Tennessee. Applicant is authorized to conduct operations in Alabama, Georgia, Delaware, Florida, Indiana, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Ohio, Tennessee, Texas, and Virginia.

HEARING: April 7, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 103378 (Sub No. 166), filed December 21, 1959. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium hydrosulfide*, in bulk, in tank vehicles, from Cartersville, Ga., to Gretna, La., and points within 15 miles thereof. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and West Virginia.

HEARING: April 6, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 105556 (Sub No. 30), filed December 19, 1959. Applicant: HOUCK TRANSPORT COMPANY, a corporation, Box 559, Glendive, Mont. Applicant's attorney: Franklin S. Longan, 319 Securities Building, Billings, Mont. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and salt mixtures*, from Williston, N. Dak., and from points within ten miles thereof, to points in Montana, Idaho, Wyoming, Colorado, North Dakota, South Dakota, Minnesota, Wisconsin,

Iowa, Nebraska, and ports of entry on the International Boundary line between the United States and Canada in Montana, North Dakota, and Minnesota, and *rejected shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

HEARING: April 11, 1960, at the Federal Building, Williston, North Dakota, before Examiner Leo W. Cunningham.

No. MC 107403 (Sub No. 299), filed February 18, 1960. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk in tank vehicles, from Painesville, Ohio, to points in Indiana, Michigan, New York, Pennsylvania, and West Virginia.

NOTE: Applicant is authorized to conduct operations as a contract carrier in Permit MC 117637 Sub 1; therefore dual operations may be involved.

HEARING: April 7, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 107515 (Sub No. 342), filed December 14, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, 214-17 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, and *prepared dough*, from Dallas, Tex., to Norfolk and Richmond, Va. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: April 6, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 107515 (Sub No. 347), filed January 25, 1960. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Suite 214-217 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned hams and cheese* requiring refrigeration, from New Orleans, La., to Greenville, Miss., Memphis, Tenn., Little Rock, Blytheville, and Hot Springs, Ark., and points within 15 miles thereof.

NOTE: Dual operations under section 210, and common control may be involved.

HEARING: April 15, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Examiner James O'D. Moran.

No. MC 107731 (Sub No. 2), filed 28 January 1960. Applicant: LEE CORBETT, 79 Riverdale Avenue, White

Plains, N.Y. Applicant's attorney: Alvin Altman, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, from Kearny, N.J., to Yonkers, N.Y.

HEARING: April 7, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 108335 (Sub No. 3), filed February 4, 1960. Applicant: JAMES FASANO, doing business as RIVERS TRUCKING COMPANY, 36-27 34th Street, Long Island City, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, *air conditioners*, from Teterboro, N.J., to points in Fairfield County, Conn., and points in Nassau, Putnam, Dutchess, Orange, Rockland, Ulster, Suffolk, and Westchester Counties, N.Y.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 108335 (Sub No. 1).

HEARING: April 11, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 109637 (Sub No. 145), filed February 17, 1960. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, Traffic Manager, Southern Tank Lines, Inc. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry commodities* in bulk (except sand, gravel, cement, coal and coke), and *rejected and refused shipments* of the above-specified commodities, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Michigan, Indiana, Illinois, Iowa, Minnesota, Wisconsin, Missouri, Tennessee, and the District of Columbia.

NOTE: Dual operations under Section 210, and common control, may be involved.

HEARING: April 18, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James A. McKiel.

No. MC 109811 (Sub No. 9), filed December 16, 1959. Applicant: LEONHARDT TRUCKING, INC., 214 South Boston Street, Galion, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grave vaults*, *agricultural machinery*, *truck bodies*, *hoists*, *dump trailers* (in towaway operations), *lift-tail gates*, and *parts thereof*, from Bucyrus, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Penn-

sylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and *supplies and equipment* used in the manufacture of the commodities described in this application, and *damaged or rejected shipments* of the above-specified commodities on return movements. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 7, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 110325 (Sub No. 24) (as amended), filed December 4, 1959, originally published FEDERAL REGISTER issue of January 27, 1960. Applicant: TRANSCON LINES, a Corporation, 1206 South Maple Avenue, Los Angeles 15, Calif. Applicant's attorney: Lee Reeder, 10th Floor, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment: *Oilfield equipment and supplies*, and *empty containers* or other incidental facilities used in transporting the said commodities, between Oklahoma City, Okla., and Albuquerque, N. Mex., over U.S. Highway 66, serving no intermediate points, as an alternate route for operating convenience only in connection with regular route operations under MC 111122 (Cain's Truck Lines), leased by applicant (the expiration date of which is April 1, 1961, under No. MC-FC-31319-A). Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Georgia, Illinois, Indiana, Kansas, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant states it has exercised its option to purchase the leased rights and the transaction is now awaiting the Commission's approval under Docket No. (MC-F-7284).

HEARING: Reassigned to April 13, 1960, at the New Mexico State Corporation Commission, Santa Fe, N. Mex., before Joint Board No. 210.

No. MC 110698 (Sub No. 137), filed February 16, 1960. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., 522 Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid Glue and resins*, in bulk, in tank vehicles, from Vander, N.C., to points in Illinois, Indiana, Kentucky, Ohio, and Wisconsin.

HEARING: April 8, 1960, at the U.S. Court Rooms, Uptown P.O. Bldg., Raleigh, N.C., before Examiner Henry A. Cockrum.

No. MC 111831 (Sub No. 2), filed February 8, 1960. Applicant: SAMUEL STANGLE, P.O. Box 14, Martinsville, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automotive accessories, parts, and supplies, and empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Bridgewater Township, Somerset County, N.J., on the one hand, and, on the other, Hartford, Conn.

NOTE: Applicant indicates he proposes to transport Empty containers or other such incidental facilities on return movements.

HEARING: April 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 112547 (Sub No. 1), filed January 12, 1960. Applicant: J. T. GERKEN, P.O. Box 188, Portsmouth, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except commodities in bulk, in tank vehicles, limited to a service wherein the trailers used are the property of The Standard Oil Company (Ohio), with whom applicant maintains individual contracts or agreements, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, between points in Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 5, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 113434 (Sub No. 6) (as amended), filed November 9, 1959, published **FEDERAL REGISTER** issue of February 10, 1960. Applicant: GRA-BELL TRUCK LINE, INC., 697 Lincoln Avenue, P.O. Box 511, Holland, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vinegar* and *fruit juice concentrate*, in bulk, from points in Michigan to points in Indiana, Illinois and Ohio. (2) *Vinegar*, in bulk, from Holland, Mich., to Hartford, Conn., and Somerville and Cambridge, Mass., and (3) *Denatured Alcohol*, in bulk, from Philadelphia, Pa., to Holland, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

HEARING: Remains as assigned: March 30, 1960, at the Olds Hotel, Lansing, Mich., before Examiner Karl Stecher.

No. MC 113533 (Sub No. 32), filed February 5, 1960. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 567 North Broad Avenue, Ridgefield, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared fruit pie filling*, from Cherryfield, Maine, to points in New York, N.Y., Philadelphia, Pa., Jacksonville and Miami, Fla., and *rejected and damaged shipments* of the above, on returned trips.

HEARING: April 7, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 113832 (Sub No. 19), filed October 22, 1959. Applicant: SCHWERTMAN TRUCKING CO., 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski, Legal Department, 620 South 29th Street, Milwaukee 46, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the plant site of the Signal Mountain Portland Cement Division, General Portland Cement Company, located in or near North Chattanooga, Tenn., to points in Laurel, Knox, Bell, Whitley, and McCreary Counties, Ky., to points in Lee, Scott, and Washington Counties, Va., to points in Ashe, Watauga, Avery, Mitchell, Yancey, Madison, Haywood, Swain, Graham, Cherokee, Clay, Macon, Jackson, Buncombe, McDowell, Burke, Caldwell, Wilkes, Alleghany, Surry, Yadkin, Alexander, Catawba, Lincoln, Iredell, Mecklenburg, Transylvania, Henderson, Polk, Rutherford, Cleveland, Gaston, Stokes, Forsyth, Davie, Rowan, Cabarrus, Stanly, Union, Anson, Davidson, Rockingham, Guilford, Randolph, Montgomery, Richmond, Caswell, Person, Alamance, Orange, Durham, Chatham, Wake, Moore, Lee, Harnett, Scotland, Hoke, Cumberland, and Robeson Counties, N.C., to points in York, Cherokee, Spartanburg, Greenville, Pickens, Oconee, Anderson, Abbeville, McCormick, Edgefield, Aiken, Barnwell, Allendale, Hampton, Chester, Fairfield, Richland, Lexington, Saluda, Greenwood, Laurens, Newberry, Union, Lancaster, Kershaw, Lee, Sumter, Chesterfield, Darlington, and Marlboro Counties, S.C., to points in Lauderdale, Colbert, Franklin, Marion, Lamar, Pickens, Lawrence, Winston, Walker, Fayette, Tuscaloosa, Limestone, Morgan, Cullman, Madison, Marshall, Blount, Jackson, DeKalb, Etowah, Cherokee, St. Clair, Calhoun, Cleburne, Talladega, Clay, Randolph, Chambers, Lee, Macon, Russell, Bullock, Pike, Barbour, Coffee, Dale, Henry, Geneva, and Houston Counties, Ala., to points in Alcorn, Prentiss, Tishomingo, Lee, Itawamba, Monroe, Lowndes Counties, Miss., and to points in Tennessee and Georgia, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Indiana, and Wisconsin.

HEARING: April 4, 1960, at 680 Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 114098 (Sub No. 6), filed February 19, 1960. Applicant: LOWTHER TRUCKING CO., 521 Penman Street, Charlotte, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conduit, and Pipe*, and (2) *Fittings and Attachments* for Item (1); on Flatbed Semi-trailers, from Landisville, N.J., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

HEARING: April 8, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 114552 (Sub No. 10), filed November 17, 1959. Applicant: A. D. SENN, doing business as SENN TRUCKING COMPANY, P.O. Box 25, Silverstreet, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, except plywood and veneer, (1) between points in Georgia, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Kentucky, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia (except from points in McDuffie County, Ga., to points in Connecticut, Florida, New Jersey, Pennsylvania, New York, Tennessee, and Virginia. (2) From points in Connecticut, Massachusetts, and Rhode Island to points in North Carolina and South Carolina. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

HEARING: April 19, 1960, at the U.S. Court Rooms, Columbia, S.C., before Examiner Henry A. Cockrum.

No. MC 114569 (Sub No. 27), filed 22 January 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from points in Louisiana and Mississippi, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, D.C., and West Virginia.

HEARING: April 19, 1960, at the Federal Office Building, 600 South Street, New Orleans, Louisiana, before Examiner James O'D. Moran.

No. MC 114569 (Sub No. 28), filed February 11, 1960. Applicant: SHAFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables*,

and exempt commodities, at the same time, in the same vehicles, from points in California, Idaho, Oregon and Washington to Wilmington, Del., Baltimore and, Andover, Md., Washington, D.C., points in Monmouth, Mercer, Burlington, Ocean, Camden, Gloucester, Salem, Cumberland, Atlantic, and Cape May Counties, N.J., and points in Pennsylvania.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in MC 55813 Sub No. 5.

HEARING: April 5, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 114569 (Sub No. 29), filed February 11, 1960. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and refrigerated, from Winchester, Va., to points in Minnesota, Iowa, Missouri, Arkansas, Mississippi, Louisiana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Nevada, Washington, Oregon, and California.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in MC 55813 (Sub No. 5).

HEARING: April 6, 1960, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 114614 (Sub No. 9), filed January 26, 1960. Applicant: T. T. BROOKS TRUCKING COMPANY, INC., 112 Chitwood Avenue NE., Ft. Payne, Ala. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a common or contract carrier, by motor vehicle, over irregular routes, transporting: (1) *rubber products and merchandise* distributed by manufacturers of rubber products, from West Helena, Ark., to points in Alabama, Mississippi, Georgia, and Tennessee; (2) *materials*, other than commodities in tank or dump vehicles, used in the manufacture of rubber products, from points in Alabama and Georgia, to West Helena, Ark.; and (3) *textiles*, from Scottsville, Va., to West Helena, Ark.

HEARING: April 12, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner James O'D. Moran.

No. MC 115162 (Sub No. 56), filed December 14, 1959. Applicant: WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. Applicant's attorney: Hugh R. Williams, 2284 West Fairview Avenue, Montgomery, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in bags, from Barberton, Ohio, to Evergreen, Ala. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 12, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Examiner James O'D. Moran.

No. MC 115669 (Sub No. 7), filed February 5, 1960. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Clay Center, Nebr. Applicant's representative: C. A. Ross, 1004-1005 Trust Building, Lincoln 8, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Salt, salt compounds*, in bulk, in blocks, in bags or other containers, in straight or mixed truckloads, from Williston, N. Dak., and points within 10 miles thereof, to points in Colorado, Iowa, Minnesota, Montana, Nebraska, South Dakota, and Wyoming, and points or ports of entry on the International Boundary Line between the United States and Canada in Minnesota, Montana, and North Dakota, and empty containers or other such incidental facilities (not specified) used in transporting the commodities specified in this application on return.

HEARING: April 11, 1960, at the Federal Building, Williston, N. Dak., before Examiner Leo W. Cunningham.

No. MC 115841 (Sub No. 66), filed December 11, 1959. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 Bankhead Highway, West, P.O. Box 2169, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, in vehicles equipped with mechanical refrigeration, (1) from New Orleans, La., and points within a 10-mile radius thereof, to points in Connecticut, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, except Memphis, Virginia, West Virginia, District of Columbia, and Delaware, (2) From Louisville, Ky., to points in Louisiana. Applicant is authorized to conduct operations to all points in United States, except to points in Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming.

HEARING: April 14, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James O'D. Moran.

No. MC 116816 (Sub No. 4), filed 26 January 1960. Applicant: THE MERIT TERMINALS CORP., Building 206A, Port Newark, N.J. Applicant's attorney: Edward M. Alfano, 2 West 45th Street, New York 36, N.Y. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Radio, recorder, phonograph, television sets, parts and equipment* for the aforesaid commodities, from Port Newark, N.J., to New York, N.Y., and points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and returned and damaged shipments of the above specified commodities from the above specified destination points to Port Newark, N.J.

NOTE: Applicant states the proposed operations will be limited to a transportation service to be performed under a continuing contract with Emerson Radio Associates, Inc., New York, N.Y. Applicant presently holds similar authority as contract carrier under contract with All State New York, Inc., and

the purpose of this application is to add an additional shipper.

HEARING: April 6, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 117344 (Sub No. 26), filed December 9, 1959. Applicant: THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, P.O. Box 37, Cincinnati 15, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paints, plastics, varnishes, liquid chemicals, surface coating compounds, and thinning, reducing and removing compounds*, in bulk, from Cincinnati, Ohio, to points in Arkansas, and empty containers or other such incidental facilities (not specified), used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant has contract carrier authority under Permit No. MC 50404 and Subs thereunder. A proceeding has been instituted under section 212(c) in No. MC 50404 (Sub No. 55) to determine whether applicant's status is that of a common or contract carrier. Section 210, dual authority, may be involved.

HEARING: April 6, 1960, at the New Post Office Building, Columbus, Ohio, before Examiner Isadore Freidson.

No. MC 117439 (Sub No. 4), filed February 15, 1960. Applicant: BULK TRANSPORT, INC., 1007 Louisiana National Bank Building, Baton Rouge, La. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in packages and bags, from Mobile County, Ala., to points in Florida, Georgia, Tennessee, Mississippi, and Louisiana, and rejected shipments, on return.

HEARING: April 20, 1960, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner James O'D. Moran.

No. MC 119308, filed November 17, 1959. Applicant: HOPE FREIGHT LINES, LTD., 770 Fraser Street, Hope, British Columbia, Canada. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, ore and such commodities* as by reason of their size or weight, require the use of special equipment, between the Port of Entry on the boundary between the United States and Canada at Sumas, Wash., on the one hand, and, on the other, points in Washington.

HEARING: May 4, 1960, at the Federal Office Bldg., First and Marion Streets, Seattle, Wash., before Joint Board No. 237, or, if the Joint Board waives its right to participate before Examiner William R. Tyers.

No. MC 119397, filed December 30, 1959. Applicant: B-B TRUCKING

COMPANY, P.O. Box 485, Statesboro, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food, foodstuffs*, from Statesboro, Ga., and Fredericksburg, Va., to points in South Carolina, North Carolina, Virginia, Ohio, Indiana, the District of Columbia, Maryland, New York, Alabama, Louisiana, Arkansas, Oklahoma, West Virginia, Kentucky, Tennessee, Illinois, Pennsylvania, Delaware, New Jersey, Florida, Mississippi, Texas, and Kansas. (2) *Food, foodstuffs, food containers; metal caps* for food containers, from Charleston and Laurens, S.C.; Henderson and Greensboro, N.C.; Norfolk and Newport News, Va.; Huntington and Wheeling, W. Va.; Philadelphia, Pa.; Kansas City, Kans.; Jackson, Miss.; Jacksonville, Tampa, Deland and Miami, Fla.; Bridgeport, N.J.; Baltimore, Md.; Chicago, Ill.; New Orleans, La.; and Montgomery, Ala.; to Statesboro, Ga., and Fredericksburg, Va.

NOTE: Applicant states that the service here proposed will be under a continuing contract with A. M. Braswell, Jr., Food Company, Inc. of Statesboro, Ga., and the Braswell Food Company of Fredericksburg, Va.

HEARING: April 6, 1960, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner James O'D. Moran.

No. MC 119412, filed February 4, 1960. Applicant: HARRY G. CLARK and BARNEY R. ESTES, doing business as RED BALL TRUCK STOP, P.O. Box 128, Theodore, Ala. Applicant's attorney: John W. Cooper, 818-821 Massey Building, Birmingham 3, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including commodities in bulk, and those requiring special equipment*, but excluding Classes A and B explosives, commodities of unusual value and household goods as defined by the Commission, between Theodore, Ala., and Slidell, La., over U.S. Highway 90, serving no intermediate points.

NOTE: Applicants state that their primary business is operating a filling station, restaurant, and rest station for truckers who travel along U.S. Highway 90; that the purpose of the application is to enable applicants to obtain whatever authority may be necessary in order to assist private and for-hire motor carriers operating across Mississippi over U.S. Highway 90, to comply with the Mississippi weight laws. Applicants advise that they are not seeking authority to serve individual shippers or to originate freight from one shipper and deliver it to a consignee, but are seeking appropriate authority for the transportation of freight which is being transported by for-hire and private carriers so that the latter will not be in violation of the Mississippi weight laws during their operations in that State. Applicants propose that if either a public or a private carrier is overloaded at the Mississippi State line that they will furnish additional equipment at either Theodore, Ala., or Slidell, La., depending upon the direction in which the carrier is traveling. The method of operation contemplates the handling of the excess portion of the carriers load in their own equipment which will be transported across Mississippi independently or in combination with

the for-hire or private carrier's power equipment.

HEARING: April 13, 1960, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 163, or, if the Joint Board waives its right to participate, before Examiner James O'D. Moran.

No. MC 119435, filed January 18, 1960. Applicant: JAMES FRAZIER DILLMAN, 511 South Church Street, Marion, Va. Applicant's attorney: E. Griffith Dodson, Jr., 509-514 State and City Building, Roanoke, Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, on specialized equipment, from Groseclose, Va., to points in West Virginia, Tennessee, North Carolina, and Kentucky, and *refused and rejected shipments* of the above-mentioned commodity on return.

NOTE: Applicant states the proposed transportation will be performed under continuing contracts with Appalachian Shale Products Company of Johnson City, Tenn.

HEARING: April 5, 1960, at the U.S. Court Rooms, Richmond, Va., before Examiner Henry A. Cockrum.

No. MC 119456, filed January 26, 1960. Applicant: J. CAPONE & SONS, INC., 54 North Moore Street, New York, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by persons engaged in the business of importing, exporting and processing of food, pharmaceutical and industrial ingredients and products, such as, but not limited to gelatin, gums, cream of tartar, pectin, egg products, seaweed products, fruits, nuts, cocoanuts, dates, honey and ginger, between points in the New York, N.Y., Commercial Zone as defined by the Commission including Port Newark, N.J., on the one hand, and, on the other Clifton, N.J.*

NOTE: Applicant states the service will be performed under contract with T. M. Duche & Sons, Inc., New York, N.Y.

HEARING: April 6, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119459, filed January 27, 1960. Applicant: FRANK DIGIOVANNI AND JOSEPHINE DIGIOVANNI, doing business as GUARANTEED MOTOR SALES AND SERVICE, P.O. Box 1, New Brunswick, N.J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Disabled trucks, tractors, and busses* by driveway or tow-away, between all points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, North Carolina, South Carolina, Vermont, Virginia, and West Virginia.

HEARING: April 8, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119480, filed February 5, 1960. Applicant: PHILIP GERSHENOFF, 4812

Avenue "I", Brooklyn, N.Y. Applicant's attorney: A. M. Stanger, 9 East 40th Street, New York, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical appliances*, such as refrigerators, washing machines, dryers, dishwashers, ranges, air conditioners, television sets, and dehumidifiers, and *rejected or defective merchandise*, between New York, N.Y., on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, Richmond, Nassau, Suffolk, Westchester, Putnam, and Rockland Counties, N.Y., points in Hudson, Bergen, Passaic, Essex, Morris, Monmouth, and Middlesex Counties, N.J., and those in Fairfield County, Conn.

NOTE: Applicant states he proposes to operate exclusively as a contract carrier for the American Home Center, Inc., 616 Third Avenue, New York, N.Y., for the purpose of delivering to their customers the above-specified commodities, and returning rejected or defective merchandise.

HEARING: April 11, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119481, filed February 5, 1960. Applicant: JOSEPH BONOMO, 86 Beekman Street, Port Richmond, Staten Island, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Homing Pigeons, and, feed, water and crates therefor*, from Staten Island, N.Y., and Bayonne, N.J., to points in New Jersey, Pennsylvania, and Delaware.

HEARING: April 12, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119483, filed February 4, 1960. Applicant: SOUTHERN TRANSPORTATION CORP. c/o Mr. Coy Glenn McCoy Manufacturing Co., Inc., Sulligent, Ala. Applicant's representative: Irving Abrams, 1776 Broadway, New York 19, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Men's and boys' slacks and walking shorts*, from Amory, Bruce, Hatley, and Caledonia, Miss., and Detroit, Sulligent, Vernon and West Blockton, Ala., to Scranton, Pottsville, Philadelphia, and Easton, Pa., Cleveland, Ohio, New Bedford, Mass., New York, N.Y., Baltimore, Md., and Dover, Newark, Newton, and New Brunswick, N.J.; (2) *finished piece goods, cloth, trimmings, and other material* such as (but not confined to) zippers, waist bands, pocketing and thread, used in the manufacture of men's and boys' slacks and walking shorts, from Scranton, York, and Clifton Heights, Pa., Cleveland, Ohio, New Bedford, Lowell, Uxbridge, and Fall River, Mass., Manchester, N.H., Willimantic, Conn., New York, N.Y., and points in the New York, N.Y., Commercial Zone as defined by the Commission, Newark, Newton, Dover, and Paterson, N.J., Columbus, Atlanta and Chickamauga, Ga., Hagerstown and Baltimore, Md., and points in North Carolina, South Carolina, and Virginia, to Amory, Bruce, Hatley, and Caledonia, Miss., and Detroit, Sulligent, Vernon, and West Blockton, Ala.; and (3) *refused, re-*

jected, returned or damaged shipments of the commodities specified in (1) and (2) above, on return.

HEARING: April 12, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119488, filed February 4, 1960. Applicant: A. B. DISTRIBUTORS, INC., 56 Myron Street, Clifton, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Potato chips, pretzels, salted nuts, and bakery goods*, from Phoenixville, Pa., to points in New Jersey and New York within eighty (80) miles of Newark, N.J., points in Fairfield, Middlesex, New Haven, and New London Counties, Conn., and those in Albany, Rensselaer, and Schenectady Counties, N.Y.; and *Returned, rejected, or damaged shipments* of the commodities specified immediately above, and *returned empty containers*, from the above-indicated destination territory to Phoenixville, Pa. **RESTRICTION:** The operations proposed are to be limited to a contract with Food Fair Stores, Inc., and their subsidiaries and affiliates.

NOTE: Any duplication with pending authority to be eliminated.

HEARING: April 14, 1960, at 346 Broadway, New York, N.Y., before Examiner Samuel Horwich.

No. MC 119499, filed February 13, 1960. Applicant: J. W. HARPER, doing business as HARPER TRANSPORTATION COMPANY, Ulmers, S.C. Applicant's attorney: George Warren, Hampton, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soya bean meal*, in bulk and in bags, including *soya bean meal feed* and *soya bean meal pellets*, from Estill, S.C. to points in Georgia, Florida, and North Carolina, and *exempt commodities* on return.

HEARING: April 21, 1960, at the U.S. Court Rooms, Columbia, S.C., before Examiner Henry A. Cockrum.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 253), filed March 13, 1959. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, General Counsel, Law Department, Public Service Coordinated Transport (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Newark and Jersey City, N.J., and extending to Mystic, Conn., with stop-overs at New London and Groton, Conn. Applicant is authorized to conduct operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

HEARING: April 15, 1960, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint

Board No. 305, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

No. MC 3647 (Sub No. 275), filed January 13, 1960. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 180 Boyden Avenue, Maplewood, N.J. Applicant's attorney: Richard Fryling, Law Department (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special round-trip seasonal operations during racing seasons, beginning and ending at Dover, Rockaway, Denville, Mount Tabor, Parsippany-Troy Hills, Morris Plains, Morris Township, Morristown, Madison, Chatham, Summit, Millburn, Springfield, and Union, N.J., and extending to (1) Belmont Park Race Track, Elmont, N.Y.; (2) Aqueduct Race Track, New York, N.Y.; (3) Delaware Park Race Track, Stanton, Del.; (4) Bowie Race Track, Bowie, Md.; (5) Pimlico Race Track, Baltimore, Md.; and (6) Laurel Race Track, Laurel, Md.

HEARING: April 18, 1960, at the New Jersey Board of Public Utility Commissioners State Office Building, Raymond Boulevard, Newark, N.J., before Examiner Samuel Horwich.

No. MC 58915 (Sub No. 38), filed January 28, 1960. Applicant: LINCOLN TRANSIT CO., INC., U.S. Highway 46, East Paterson, N.J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage, express and newspapers*, in the same vehicle with passengers, between New York, N.Y., and Secaucus, N.J., from New York over the George Washington Bridge to junction U.S. Highway 46, thence over U.S. Highway 46 to junction New Jersey Turnpike, thence over New Jersey Turnpike to junction Lincoln Tunnel Interchange, Secaucus, and return over the same route, serving no intermediate points.

HEARING: April 4, 1960, at 346 Broadway, New York, N.Y., before Joint Board No. 3, or, if the Joint Board waives its right to participate, before Examiner Samuel Horwich.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 1068 (Sub No. 2), filed February 19, 1960. Applicant: A. KNORR'S EXPRESS, INC., 16 Adams Street, Irvington, N.J. Applicant's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Collapsible metal tubes and collapsible plastic tubes*, in cartons or boxes, from Washington, N.J., to Irvington, N.J., and *empty boxes and cartons or other such incidental facilities* used in transporting the commodities specified in this application on return.

No. MC 16643 (Sub No. 13), filed February 17, 1960. Applicant: AUBREY J.

STEM, JR., doing business as STEM MOTOR LINES, RFD No. 6, Westminster, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rustic wooden fencing* (posts, rails and gates), from points in Randolph, Pocahontas, and Pendleton Counties, W. Va., and Highland County, Va., to points in Maryland, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 30887 (Sub No. 93), filed February 23, 1960. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum chloride*, in bulk, in dump-tank semi-trailers or hopper vehicles, from Brainards, N.J., to Wilmington, Del., Whiting, Ind., Baltimore, Md., Midland, Mich., Carney's Point, Bound Brook, Linden, Union Beach, Newark, and Toms River, N.J., Massena and Rensselaer, N.Y., Philadelphia, Lock Haven, Pittsburgh, and West Elizabeth, Pa., Charleston, W. Va., and Ports of Entry on the boundary between the United States and Canada at Buffalo and Alexandria Bay, N.Y.

No. MC 66562 (Sub No. 1638), filed February 23, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's representative: L. S. Hardman, Superintendent, Railway Express Agency, Incorporated, 1004 Farnam Street, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Mitchell, S. Dak., and Canton, S. Dak., from Mitchell over U.S. Highway 16 to junction U.S. Highway 81, thence over U.S. Highway 81 to junction South Dakota Highway 44, thence over South Dakota Highway 44 to junction U.S. Highway 77, thence over U.S. Highway 77 to junction U.S. Highway 18, thence over U.S. Highway 18 to Canton, and return over the same route, serving the intermediate points of Alexandria, Emery, Bridge-water, Parker, Chancellor, and Lennox, S. Dak., and the off route point of Marion, S. Dak. The application indicates the proposed service to be performed shall be limited to that which is auxiliary to or supplemental of railway express or air service. Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by applicant, a prior or subsequent movement by air or rail.

No. MC 66562 (Sub No. 1639), filed February 23, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*,

by motor vehicle, over a regular route, transporting: *General commodities, including Classes A and B explosives*, moving in express service, between Waterloo, Iowa and Clear Lake, Iowa, from Waterloo over U.S. Highway 63 to junction U.S. Highway 18, thence over U.S. Highway 18 to Clear Lake, and return over the same route, to junction U.S. Highway 218, thence over U.S. Highway 218 to junction Iowa Highway 3, thence over Iowa Highway 3 to junction U.S. Highway 63, thence over U.S. Highway 63 to Waterloo, serving the intermediate points of Waverly, Plainfield, Nashua, New Hampton, Charles City, Rudd, Nora Springs, and Mason City, Iowa, and the off-route point of Ionia, Iowa. The application indicates the service to be performed by applicant shall be limited to such as is auxiliary to or supplemental of rail or air express service. Shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1640), filed February 23, 1960. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 1800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities including Classes A and B explosives*, moving in express service, beginning and ending at Prairie du Chien, Wis., from Prairie du Chien west over U.S. Highway 18 to junction U.S. Highway 52, thence northwest over U.S. Highway 52 to Calmar, Iowa, thence over Iowa Highway 24 to Fort Atkinson, Iowa, thence return over Iowa Highway 24 to Calmar, Iowa, thence north over U.S. Highway 52 to Decorah, Iowa, thence west and north over Iowa Highway 9 to Cresco, Iowa, thence return over Iowa Highway 9 to Decorah, Iowa, thence continuing over Iowa Highway 9 to Lansing, Iowa, thence across the Mississippi River to junction Wisconsin Highway 35, thence north over Wisconsin Highway 35 to De Soto, Wis., thence south over Wisconsin Highway 35 to Prairie du Chien, serving the intermediate points of Marquette, Monona, Postville, Ossian, Calmar, Fort Atkinson, Decorah, Cresco, Waukon, and Lansing, Iowa, and De Soto, Ferryville, and Lynxville, Wis. The application indicates the service to be performed by applicant shall be limited to such as is auxiliary to or supplemental of rail or air express service; and the shipments to be transported shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said carrier, an immediately prior or an immediately subsequent movement by rail or air. Duplication with present authority to be eliminated.

No. MC 78643 (Sub No. 44), filed February 16, 1960. Applicant: HART MOTOR EXPRESS, INC., 2417 North Cleveland, St. Paul 13, Minn. Appli-

cant's attorney: Donald A. Morken, First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *common-carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, between Climax, Minn., and junction U.S. Highway 2 and Minnesota Highway 220 at East Grand Forks, Minn., from Climax over Minnesota Highway 220 to junction U.S. Highway 2 at East Grand Forks, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only in connection with applicant's authorized regular-route operations.

No. MC 114632 (Sub No. 12), filed February 23, 1960. Applicant: APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, used in the transportation of packaged petroleum products, from points in South Dakota to Coffeyville, Kans., and Ponca City, Okla.

NOTE: Applicant has authority in MC 114632 to transport petroleum products in containers from Coffeyville, Kans., to points in South Dakota, and from Ponca City, Okla., to points in South Dakota. Applicant states the main purpose of the instant application is to be able to transport empty containers on return movements.

No. MC 119328, filed November 25, 1959. Applicant: WOOD CHIP TRANSPORT, INC., Pier 62, Seattle, Wash. Applicant's attorney: Charles J. Keever, Hoge Building, Seattle 4, Wash. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips and sawdust*, from Park Lumber Co. Inc. site at or near Estacada, Oreg., to Crown Zellerbach Corporation's Mill site at Camas, Wash. *Sawdust and wood shavings*, from Cascade Locks Lumber Co. site at or near Cascade Locks, Oreg., to Crown Zellerbach Corporation's Mill site at Camas, Wash. *Wood chips*, from Anacortes Veneer Company site, Oregon division, at or near Sandy, Oreg., to Crown Zellerbach Corporation's Mill site at Camas, Wash. *Wood chips and sawdust*, from S & M Lumber Co. at or near Oregon City, Oreg., to Crown Zellerbach Corporation's Mill site at Camas, Wash. *Wood chips*, from Hodge Bros. Lumber Co. site at or near Grand Ronde, Oreg., to Crown Zellerbach Corporation's Mill site at Camas, Wash.

NOTE: Common control may be involved. Applicant indicates the proposed transportation is under contract with Crown Zellerbach Corporation.

No. MC 119510, filed February 15, 1960. Applicant: OMER J. HOCHSTETLER, Topeka, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bagged and bulk mixed fertilizers, and fertilizer materials*, between Cairo, Allen County, Ohio, and points in Adams, Allen, Blackford, De Kalb, Delaware, Elk-

hart, Grant, Huntington, Jay, Kosciusko, LaGrange, Noble, Steuben, Wabash, Wells, and Whitley Counties, Ind.

No. MC 119513, filed February 16, 1960. Applicant: HARRY EUGENE DEVILBISS, doing business as DEVILBISS TRUCK SERVICE, Post Office, Uniontown, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: (1) *Cottonseed meal*, in truckloads, from Goldsboro, Raleigh, and Rocky Mount, N.C.; (2) *Peanut meal*, in truckloads, from Suffolk, Va.; (3) *Soybean meal*, in truckloads, from Bellevue, Delphos, and Rossford, Ohio; (4) *Citrus pulp*, in truckloads, from points in Florida, to points in Carroll, Frederick, Harford, Howard, and Montgomery Counties, Md.; and from points in Adams, Berks, Bucks, Carbon, Centre, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Huntington, Lancaster, Lebanon, Lehigh, Lycoming, Mifflin, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Snyder, and Washington Counties, Pa.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F 7346 (SANBORN'S MOTOR EXPRESS, INC.—PURCHASE—WILLIAM APOTHEKER), published in the October 21, 1959, issue of the FEDERAL REGISTER on page 8528. Application filed February 19, 1960, for temporary authority under section 210a(b). Vendee's attorney is Mary E. Kelley, 10 Tremont Street, Boston 8, Mass.

No. MC-F 7436 (T. E. MERCER TRUCKING CO.—PURCHASE (PORTION)—JESS EDWARDS, INC.), published in the February 3, 1960, issue of the FEDERAL REGISTER on page 942. Application filed February 25, 1960, for temporary authority under section 210a(b).

No. MC-F 7453. Authority sought for purchase by J. A. ROBINSON SONS, INC., 606 Main Street, P.O. Box 430, Borger, Tex., of the operating rights of GUY NALL, doing business as GUY NALL TRUCKING COMPANY, 723 North Second Street, P.O. Box 1320, Seminole, Okla., and for acquisition by ALBERT L. ROBINSON, MAURICE ROBINSON, PAUL R. ROBINSON and CLAUDE ROBINSON, all of Borger, of control of such rights through the purchase. Applicants' attorney: Charles D. Mathews, P.O. Box 858, Austin, Tex. Operating rights sought to be transferred: *Machinery, materials, supplies, and equipment incidental to, or used in, the construction, development, operation, and maintenance of facilities for the discovery, development and produc-*

tion of natural gas and petroleum, as a *common carrier* over irregular routes, between points in Oklahoma, Kansas and Texas. Vendee is authorized to operate as a *common carrier* in Texas, Oklahoma, Kansas, and Colorado. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7454. Authority sought for control and merger by MERCURY MOTOR FREIGHT LINES, INC., 954 Hershey Street, St. Paul, Minn., of the operating rights and property of BISON FREIGHT LINE, INC., 2173 Kasota Avenue, St. Paul, Minn., and for acquisition by FRANCIS SMITH, also of St. Paul, of control of such rights and property through the transaction. Applicants' attorneys: Robins, Davis & Lyons, 1200 Rand Tower, Minneapolis 2, Minn., and Randall, Smith & Blomquist, E-1422 First National Bank Building, St. Paul 1, Minn. Operating rights sought to be controlled and merged: *General commodities*, excepting, among others, commodities in bulk but not excepting household goods, as a *common carrier* over regular routes, between St. Paul, Minn., and Jamestown, N. Dak., and between St. Paul, Minn., and Bismarck, N. Dak., serving certain intermediate and off-route points; *alternate routes* for operating convenience only between St. Paul, Minn., and Anoka, Minn.; *general commodities*, excepting, among others, household goods and commodities in bulk, between St. Paul, Minn., and Dickinson, N. Dak., and from St. Paul, Minn., to Dickinson, N. Dak., serving certain intermediate and off-route points; *feed*, from Wadena, Minn., to Jamestown, N. Dak., serving no intermediate points; *hardware*, over irregular routes, from Duluth, Minn., to points in North Dakota. Vendee is authorized to operate as a *common carrier* in Minnesota, Illinois, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7455. Authority sought for purchase by F. J. BOUTELL DRIVE-AWAY CO., INC., 705 South Dort Highway, Flint 1, Mich., of the operating rights and property of TRELOAR TRUCKING COMPANY, Route 1, Barr Highway, P.O. Box 985, Joliet, Ill., and for acquisition by C. M. BOUTELL, M. E. BOUTELL, and W. H. BOUTELL, all of Flint, of control of such rights and property through the purchase. Applicants' attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D.C. Operating rights sought to be transferred: *New automobiles*, *new trucks* and *new chassis*, restricted to initial movements, in driveway service, as a *common carrier* over irregular routes, from places of manufacture and assembly in Detroit, Mich., and points in Warren Township, Macomb County, Mich., to St. Louis, Mo., Omaha, Nebr., and points in Illinois and Iowa; *automobiles*, *trucks*, and *chassis*, new, used, or unfinished, restricted to secondary movements, in driveway service, between all points as described above; *new automobiles*, *new trucks*, *new bodies*, *new cabs*, and *new chassis*, restricted to initial movements, in truckaway service, (1) from places of manufacture and

assembly in Detroit, Mich., and points in Warren Township, Macomb County, Mich., to St. Louis, Mo., Omaha, Nebr., and points in Illinois, Indiana, Iowa, and Michigan, (2) from places of manufacture and assembly in South Bend, Ind., to Detroit, Mich., and (3) from South Bend, Ind., to points in Iowa; *automobiles*, *trucks*, *bodies*, *cabs* and *chassis*, new, used or unfinished, restricted to secondary movements, in truckaway service, between all points as described in (1) and (2) above; *new automobiles*, *automobile bodies*, *automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment* and *paraphernalia*, and *farm and garden tractors*, and *parts and accessories* thereof moving in connection therewith, in initial movement, in driveway service, from Willow Run in Washtenaw County, Mich., to St. Louis, Mo., Omaha, Nebr., and points in Illinois and Iowa; *the above-described commodities*, in initial movements, in truckaway service, from Willow Run to St. Louis, Omaha, and points in Illinois, Indiana, Iowa, and Michigan. Vendee is authorized to operate as a *common carrier* in Michigan, Maryland, New Jersey, New York, Ohio, Pennsylvania, West Virginia, Delaware, Massachusetts, Indiana, Kentucky, Connecticut, Vermont, Rhode Island, New Hampshire, Maine, Virginia, North Carolina, South Carolina, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7456. Authority sought for control by EASTERN MOTOR LINES, INC., 7153 Lone Oak Road, P.O. Box 2497, Station A, Spartanburg, S.C., of STATE MOTOR LINES, Old Society Hill Road, P.O. Box 71, Hartsville, S.C., and for acquisition by R. Z. CATES, WALTER M. CART, and M. L. CATES, JR., all of Spartanburg, of control of STATE MOTOR LINES through the acquisition by EASTERN MOTOR LINES, INC. Applicant's attorney: Roland Rice, 618 Perpetual Building, Washington 4, D.C. Operating rights sought to be controlled: Operations under the Second Proviso of section 206(a) (1) of the Interstate Commerce Act, covering the transportation, in the State of South Carolina, as a *common carrier*, of property, over regular routes, between Spartanburg and a fifteen mile radius thereof, and Darlington and a fifteen mile radius thereof, via Camp Croft, Pacolet, Jonesville, Kelly, Lockhart, Chester, Richburg, Fort Lawn, Lancaster, Funderburk, McBee and Hartsville, over State Highways 9, 903 and 151, serving the off-route points of Great Falls and Rock Hill, and between the North Carolina-South Carolina State Line (Charlotte, N.C.), and Lancaster, over U.S. Highways 21 and 521; *general commodities*, over irregular routes, between points in Chesterfield, Darlington, Dillon and Marlboro Counties, and between points in these counties and points in South Carolina; *general commodities*, except household goods, office furniture, explosives, petroleum products in bulk, and other commodities requiring special equipment, between points in Charleston County

and between points in Charleston County and points in South Carolina; *fertilizer*, from points in Charleston County to points in Chesterfield, Darlington, Dillon, Marion and Marlboro Counties; *cotton* in bales and *livestock*, between points in South Carolina; *textile machinery*, equipment and supplies, between points in Spartanburg County and between points in Spartanburg County and points in South Carolina; *unfinished cotton piece goods*, between points in South Carolina and bleaching, dyeing and finishing plants in Aiken, Anderson, Darlington, Greenville, Greenwood, Spartanburg, and York Counties. EASTERN MOTOR LINES, INC., is authorized to operate as a *common carrier* in South Carolina. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7457. Authority sought for merger into THE PITTSSTON COMPANY, 250 Park Avenue, New York 17, N.Y., of the operating rights and property of BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorneys: David Teitelbaum, 2 Wall Street, New York 5, N.Y., Edward K. Wheeler, Southern Building, Washington, D.C., and Robert S. Foster, 33 North La Salle Street, Chicago 2, Ill. Operating rights sought to be merged: *Coin*, *currency*, *negotiable and non-negotiable instruments and securities*, *precious metals*, *jewelry*, *precious stones*, *monies*, *legal tender*, *stocks and bonds*, *postage and revenue stamps*, *other valuable documents and rare objects and articles*, *securities*, and *bullion*, as a *contract carrier* over irregular routes, from, to or between points and areas, varying with the commodity transported, in the District of Columbia, Maryland, Illinois, Iowa, Ohio, Pennsylvania, California, Nevada, Kentucky, Delaware, Michigan, Indiana, Massachusetts, New Hampshire, Connecticut, Missouri, Kansas, New Jersey, New York, West Virginia, Rhode Island, Virginia, Wisconsin, Georgia, Tennessee, Florida, Alabama, Louisiana, Washington, Oregon, Montana, Utah, Colorado, Texas, Oklahoma, Nebraska, Minnesota, Arkansas, and North Carolina. Control of these rights by THE PITTSSTON COMPANY was authorized in MC-F 6544, consummated May 20, 1959. THE PITTSSTON COMPANY is also in control of UNITED STATES TRUCKING CORPORATION, 66 Murray Street, New York 7, N.Y., which is authorized to operate as a *common carrier* in New York, New Jersey and Connecticut, and as a *contract carrier* in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Maine, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7458. Authority sought for purchase by W. M. (BILLY) WALKER, INC., 129 South Grimes Street, Hobbs, N. Mex., of a portion of the operating rights of J. H. MARKS TRUCKING CO., INC., P.O. Box 2192, Odessa, Tex., and for acquisition by W. M. (BILLY) WALKER, also of Hobbs, of control of such rights through the purchase. Ap-

plicants' attorney: Charles D. Mathews, P.O. Box 858, Austin 65, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up of pipe, except the stringing and picking up of pipe in connection with main or trunk pipelines, as a *common carrier* over irregular routes, between points in New Mexico and Arizona on and north of U.S. Highway 66, the above authority being restricted against being combined or joined directly or indirectly with any other authority now held by carrier for the purpose of performing any through service. Vendee is authorized to operate as a *common carrier* in New Mexico and Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC-F 7459. Authority sought for purchase by DORN'S TRANSPORTATION, INC., First Avenue, Rensselaer, N.Y., of the operating rights and property of MAYBERRY MOTOR FREIGHT, INC., 800 Hiawatha Boulevard West, Syracuse, N.Y., and for acquisition by FRED N. DORN, North Chatham, N.Y., of control of such rights and property through the purchase. Applicants' attorney: John J. Brady, Jr., 75 State Street, Albany, N.Y. Operating rights sought to be transferred: Operations under the Second Proviso of Section 206 (a) (1), Interstate Commerce Act, covering the transportation of *property*, as a *common carrier* over regular routes in the State of New York, as more specifically described in Docket No. MC 98387. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland, Delaware, Connecticut, Massachusetts, Rhode Island, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

NOTE: Application will be published at a later date as a matter directly related.

No. MC-F 7461. Authority sought for purchase by COMMERCIAL CARRIER CORPORATION, 502 East Bridges Avenue, Auburndale, Fla., of the operating rights of J & M ENTERPRISES, INC., 1706 New Tampa Highway, P.O. Box 415, Lakeland, Fla., and for acquisition by GUY BOSTICK, also of Auburndale, of control of such rights through the purchase. Applicants' attorney: William P. Tomasello, 155 West Davidson Street, Bartow, Fla. Operating rights sought to be transferred: *Salt* (other than table salt), as a *common carrier* over irregular routes, from Jefferson Island, Avery Island, and Weeks Island, La., to points in Alabama, Georgia and Florida; *animal and poultry feed*, from Chicago, Ill.,

to points in Florida, Georgia, and Alabama (except Birmingham, Ala., and points within 65 miles thereof), from Lexington, Ky., to points in Alabama, Florida, and Georgia, and from Cartersville, Ga., to points in Florida and Alabama (except Birmingham, Ala., and points within 65 miles thereof). Vendee is authorized to operate as a *common carrier* in Florida, Georgia, Iowa, Nebraska, Missouri, Kansas, Minnesota, Ohio, Alabama, North Carolina, South Carolina, Wisconsin, Illinois, and North Dakota. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-1888; Filed, Mar. 1, 1960;
8:48 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 26, 1960.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 36040: *Roofing and building material—Southwest to S.C. and Fla.* Filed by Southwestern Freight Bureau, Agent (No. B-7748), for interested rail carriers. Rates on roofing and building material, in carloads, as described in the application from points in southwestern territory to Charleston, S.C., and Miami, Fla.

Grounds for relief: Market competition.

Tariff: Supplement 30 to Southwestern Freight Bureau tariff I.C.C. 4264.

FSA No. 36041: *Crude sulphur—Tioga, N.C., to Minnesota and Wisconsin points.* Filed by V. P. Brown, Agent (No. 2) and Great Northern Railway Company (No. 1067), for interested rail carriers. Rates on crude sulphur (brimstone), in carloads from Tioga, N. Dak., to points in Minnesota and Wisconsin.

Grounds for relief: Market competition.

Tariff: Supplement 202 to Agent V. P. Brown's tariff I.C.C. 2. Supplement 36 to Great Northern Railway tariff I.C.C. A-8907.

FSA No. 36042: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 379), for interested rail carriers. Rates on chemicals, also paper and paper articles, in tank-car loads, or carloads, as described in the application between points in Texas, over interstate routes through adjoining states.

Grounds for relief: Intrastate competition and maintenance of rates from or to points in other states not subject to the same competition.

Tariff: Supplement 100 to Texas-Louisiana Freight Bureau tariff I.C.C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 36043: *Commodities between points in Texas.* Filed by Texas-Louisiana Freight Bureau, Agent (No. 380), for interested rail carriers. Rates on acid, chemicals and other commodities described in the application, in tank-car loads or carloads from, to, and between points in Texas over interstate routes through adjoining states.

Grounds for relief: Maintenance of depressed rates established to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff: Supplement 100 to Texas-Louisiana Freight Bureau tariff, I.C.C. 865.

By the Commission.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 60-1886; Filed, Mar. 1, 1960;
8:48 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

PAUL BUTLER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions:
Butler Memorial Building Corp.
Birgralt Realty Company.
B. Additions:
Skymotive, Inc.
Skymotive Sales, Inc.
E. Farnell and Company.

This statement is made as of February 1, 1960.

PAUL BUTLER.

FEBRUARY 16, 1960.

[F.R. Doc. 60-1856; Filed, Mar. 1, 1960;
8:45 a.m.]

HAROLD L. GRAHAM, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1960.

HAROLD L. GRAHAM, JR.

FEBRUARY 2, 1960.

[F.R. Doc. 60-1855; Filed, Mar. 1, 1960;
8:45 a.m.]

ALEXANDER D. THOMSON**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the last six months:

- A. Deletions: Kelley-How-Thomson Company.
B. Additions: W. & J. Sloane, Inc.

This statement is made as of February 29, 1959.

ALEXANDER D. THOMSON.

FEBRUARY 10, 1960.

[F.R. Doc. 60-1858; Filed, Mar. 1, 1960; 8:45 a.m.]

ROBERT L. TURNER**Statement of Changes in Financial Interests**

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests in the last six months.

- A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1960.

ROBERT L. TURNER.

FEBRUARY 28, 1960.

[F.R. Doc. 60-1857; Filed, Mar. 1, 1960; 8:45 a.m.]

CUMULATIVE CODIFICATION GUIDE—MARCH

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